

Version
as at 1 July 2024



Animal Products (Dairy Industry Fees, Charges, and Levies) Regulations 2015

(LI 2015/95)

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

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry for Primary Industries.

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Regulations

- 1 Title**
These regulations are the Animal Products (Dairy Industry Fees, Charges, and Levies) Regulations 2015.
- 2 Commencement**
These regulations come into force on 1 July 2015.
Regulations: confirmed, on 11 December 2015, by section 8(b) of the Subordinate Legislation (Confirmation and Validation) Act 2015 (2015 No 119).

Preliminary provisions

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Animal Products Act 1999

approval costs, for a particular year, means the costs of staff time processing and approving export declarations in that year, and includes overhead costs, as specified by the Director-General by notice under section 167(1)(ma) of the Act

collection agent means—

- (a) a dairy processor whose business includes buying milksolids from a dairy farmer; or
- (b) a person whose business includes buying milksolids from a dairy farmer for supply directly or indirectly to a dairy processor

designated market, export licence, and holder have the same meanings as in section 5(1) of the Dairy Industry Restructuring Act 2001

financial year means the period 1 July to 30 June

large exporter means a registered exporter or other person who exported more than 466,000 kg of dairy products (as based on Customs tariff codes for dairy products) in the previous financial year

large processor means a person with a farm dairy risk management programme who is a collection agent and who collected more than 151,000 kg of milksolids from dairy farmers directly (that is, not through another collection agent) in the previous financial year

milksolids means milk-fat and protein components of raw animal milk

RCS raw milk has the meaning given in regulation 4(1) of the Raw Milk for Sale to Consumers Regulations 2015

registered depot operator has the meaning given in regulation 4(1) of the Raw Milk for Sale to Consumers Regulations 2015

registered farm dairy operator has the meaning given in regulation 4(1) of the Raw Milk for Sale to Consumers Regulations 2015

small exporter means a registered exporter who exported less than or equal to 466,000 kg of dairy products (as based on the Customs tariff codes for dairy products) in the previous financial year

small processor means a person with a farm dairy risk management programme who—

- (a) is not a collection agent; or

- (b) is a collection agent who collected less than, or equal to, 151,000 kg of milksolids directly (that is, not through another collection agent) in the previous financial year

total number of export declarations means total number of export declarations raised in E-cert by all infant formula exporters in a given year, as fixed by the Director-General by notice under section 167(1)(ma) of the Act.

Regulation 3 **large exporter**: amended, on 1 July 2019, by regulation 4(1) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124).

Regulation 3 **large processor**: amended, on 1 July 2019, by regulation 4(2) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124).

Regulation 3 **medium processor**: revoked, on 1 July 2019, by regulation 4(3) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124).

Regulation 3 **RCS raw milk**: inserted, on 1 July 2016, by regulation 4 of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2016 (LI 2016/100).

Regulation 3 **registered depot operator**: inserted, on 1 July 2016, by regulation 4 of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2016 (LI 2016/100).

Regulation 3 **registered farm dairy operator**: inserted, on 1 July 2016, by regulation 4 of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2016 (LI 2016/100).

Regulation 3 **small exporter**: amended, on 1 July 2019, by regulation 4(4) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124).

Regulation 3 **small processor** paragraph (b): amended, on 1 July 2019, by regulation 4(5) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124).

4 Application

- (1) The fees, charges, and levies set out in the Schedule apply only in relation to—
 - (a) dairy processing operations or premises; and
 - (b) the export of dairy material or dairy product.
- (2) These regulations do not apply in respect of matters for which a separate fee, charge, or levy is charged under the Animal Products (Fees, Charges, and Levies) Regulations 2007.

Fees, charges, and levies

5 Fees, charges, and levies

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

Provisions relating to dairy processors

6 Calculation of levy payable by dairy processor

In calculating the amount of levy payable under the Schedule by a dairy processor, the Director-General must consider the total volume of milksolids collected by that processor from farm dairies in the previous financial year.

7 Provisions relating to large processors

- (1) After the end of each financial year, the Director-General may determine—
 - (a) each large processor's milksolids collection for the previous financial year; and
 - (b) the total milksolids collected for the previous financial year from large processors.
- (2) The Director-General may then invoice each processor for the levy, indicating the processor's milksolids collection for the previous financial year and the total milksolids collected from large processors in the previous financial year.
- (3) A large processor is liable to pay the levy for a small processor if the application of the prescribed formula in the Schedule in that processor's case produces an amount lower than the levy for a small processor.

Regulation 7(3): amended, on 1 July 2022, by regulation 4 of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2022 (SL 2022/159).

Regulation 7(3): amended, on 1 July 2019, by regulation 5 of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124).

8 Effect of change in collection volume, entering market, or change of business owner

- (1) This regulation applies if, during a financial year,—
 - (a) a small processor's collection of milksolids makes the processor a large processor; or
 - (b) a large processor's collection of milksolids makes the processor a small processor; or
 - (c) a person becomes a dairy processor of dairy material that is not RCS raw milk.
- (2) A processor to whom this regulation applies must pay the levy for a small or large processor, as the case may be, until the Director-General next determines each large processor's milksolids collection for the previous financial year and the total milksolids collected for the previous financial year from large processors.
- (3) For the purposes of subclause (2),—
 - (a) a small processor who becomes a large processor is liable to pay the levy for a small processor:

- (b) a large processor who becomes a small processor is liable to pay the levy for a large processor:
- (c) a person to whom subclause (1)(c) applies is liable to pay the levy for a small processor.
- (4) If the Director-General has some but not full milksolids collection data for the previous financial year, the Director-General may estimate the processor's full-year milksolids collection by interpolating the processor's monthly data from the previous financial year and may make any necessary adjustments to other milksolids collection data.
- (5) If the ownership of a large processor changes, the new owner is liable to pay the processor's levy.
- (6) If a large processor ceases to be a collection agent during any year, the processor is liable to pay the levy for the period in that year up to and including the quarter in which the processor ceases to be a collection agent.

Regulation 8(1): replaced, on 1 July 2019, by regulation 6 of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124).

Regulation 8(2): replaced, on 1 July 2019, by regulation 6 of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124).

Regulation 8(3): replaced, on 1 July 2019, by regulation 6 of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124).

9 Director-General may require information for purpose of calculating levies

- (1) For the purposes of determining whether a processor is a large processor and of determining each large processor's milksolids collection for the previous financial year and the total milksolids collected for the previous financial year from all large processors, the Director-General may require DairyNZ Limited (or its successor) to provide him or her, by the end of August in each year, with—
 - (a) data for the volume of milksolids collection of individual businesses for the previous financial year (by month, if available); and
 - (b) the identity of the individual businesses.
- (2) A non-cow dairy processor who falls within the definition of a large processor must provide the Director-General with the processor's annual milksolids collection data for the previous financial year by the end of August in each year.
- (3) The Director-General may require a cow dairy processor who falls within the definition of a large processor to provide him or her with the processor's milksolids collection data for the previous financial year by a date specified by the Director-General if for any reason DairyNZ Limited (or its successor) could not provide the data.
- (4) DairyNZ Limited (or its successor) and processors must comply with applicable requirements made by the Director-General under subclause (1) or (3).

Regulation 9(1): amended, on 1 July 2019, by regulation 7 of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124).

Regulation 9(2): amended, on 1 July 2019, by regulation 7 of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124).

Regulation 9(3): amended, on 1 July 2019, by regulation 7 of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124).

10 Share of levy for new farm dairy risk management programme registration

- (1) On the registration of a new farm dairy risk management programme (**RMP**), the farm dairy RMP holder is liable to pay a proportionate share of the annual levy that includes payment for the quarter of the financial year in which the registration is approved.
- (2) A person who holds more than 1 farm dairy RMP is liable to pay only 1 levy on registration.

Provision relating to new farm dairy operators

Heading: inserted, on 1 July 2016, by regulation 6 of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2016 (LI 2016/100).

10A Share of levy payable by new registered farm dairy operators

If a person becomes a registered farm dairy operator during a financial year, the person is liable to pay a proportionate share of the annual levy for registered farm dairy operators that includes payment for the quarter of the financial year in which the registration is approved.

Regulation 10A: inserted, on 1 July 2016, by regulation 6 of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2016 (LI 2016/100).

Provisions relating to dairy exporters

11 Calculation of levy payable by dairy exporters

In calculating the amount of levy payable under the Schedule by a dairy exporter, the Director-General must consider the total dairy mass exported by that exporter in the previous financial year based on the data provided by the New Zealand Customs Service.

12 Provisions relating to large exporters

- (1) After the end of each financial year, the Director-General may determine—
 - (a) each large exporter's export mass of dairy products for the previous financial year; and
 - (b) the total dairy export mass for all large exporters for the previous financial year.
- (2) The Director-General may then invoice each exporter for the levy, indicating the exporter's export mass for the previous financial year and the total export mass for large exporters in the previous financial year.

- (3) A large exporter is liable to pay the levy for a small exporter if the application of the prescribed formula in the Schedule in that exporter's case produces an amount lower than the levy for a small exporter.

13 Effect of change in dairy mass exported, entering market, or change of business owner

- (1) This regulation applies if, during a financial year,—
- (a) a small exporter's export mass of dairy products makes the exporter a large exporter; or
 - (b) a large exporter's export mass of dairy products makes the exporter a small exporter; or
 - (c) an exporter enters the market.
- (2) An exporter to whom this regulation applies must pay the levy for a small or large exporter, as the case may be, until the Director-General next determines each large exporter's export mass of dairy products for the previous financial year and the total dairy export mass from large exporters for the previous financial year.
- (3) For the purposes of subclause (2),—
- (a) a small exporter who becomes a large exporter is liable to pay the levy for a small exporter:
 - (b) a large exporter who becomes a small exporter is liable to pay the levy for a large exporter:
 - (c) a new exporter is liable to pay the levy for a small exporter.
- (4) If the Director-General has some but not full export mass of dairy products data for the previous financial year, the Director-General may estimate the exporter's full-year export mass of dairy products data by interpolating the exporter's monthly data from the previous financial year.
- (5) If the ownership of a large exporter changes, the new owner is liable to pay the exporter's levy.
- (6) If a large exporter ceases to be an exporter during any year, the exporter is liable to pay the levy for the period in that year up to and including the quarter in which the exporter ceases to be an exporter.

14 Levy payable by new entrants

- (1) If a person becomes a registered exporter during a financial year, the exporter is liable to pay a proportionate share of the annual levy that includes payment for the quarter of the financial year in which the registration is approved.
- (2) A person who holds more than 1 exporter registration is liable only to pay 1 levy on registration.

Miscellaneous provisions

15 Director-General may grant exemption, waiver, or refund

- (1) The Director-General may grant an exemption from, or waive or refund, any fee, charge, or levy specified in these regulations, in whole or in part, in any particular case or class of case.
- (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 Act.
- (3) An instrument granting an exemption, waiver, or refund under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to a particular case.

Legislation Act 2019 requirements for secondary legislation made under this regulation

Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the secondary legislation.

Regulation 15(3): inserted, on 28 October 2021, by regulation 13 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

16 Collection agents to keep levies in separate trust account

A collection agent must keep levies collected under these regulations in a trust account separate from money charged by the agent to processing businesses for the price of raw milk.

17 Revocation

The Animal Products (Dairy Industry Fees and Charges) Regulations 2007 (SR 2007/131) are revoked.

Schedule

Dairy industry fees, charges, and levies

rr 4, 5, 6

Part 1

Fixed fees, charges, and levies

Schedule Part 1: replaced, on 1 July 2019, by regulation 8(1) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124).

Service area	Fee, charge, or levy*	When fee, charge, or levy payable and by whom
<i>Standards setting, compliance, and monitoring</i>		
Development and maintenance of New Zealand standards, performance monitoring, and dairy residue monitoring	$L = [(TCMPI \text{ Annual} \times MS \text{ last}) \div MStotal \text{ last}]$ <p>where—</p> <p>L is the levy payable by the processor</p> <p>TCMPI Annual is \$4,279,580, being the Ministry's total cost payable by large processors</p> <p>MS last is the processor's milksolids collection for the previous year</p> <p>MStotal last is the total milksolids collected for the previous year from all large processors.</p> <p>In the items above, year means a 1 July to 30 June year.</p> <p>\$400</p>	<p>Payable by large processors in equal instalments on 30 September, 31 December, 31 March, and 30 June each year</p>
Development and maintenance of New Zealand standards relating to RCS raw milk, and performance monitoring and dairy residue monitoring in relation to RCS raw milk	\$581.25	<p>Payable by small processors on 30 September each year</p> <p>Payable by registered farm dairy operators on 30 September each year</p>
Development and maintenance of market access standards and programme and export standards	$L = [(ETCMPI \text{ Annual} \times EM \text{ last}) \div EMTotal \text{ last}]$ <p>where—</p> <p>L is the levy payable by the exporter</p> <p>ETCMPI Annual is \$834,567, being the Ministry's total cost payable by large exporters</p>	<p>Payable by large exporters in equal instalments on 30 September, 31 December, 31 March, and 30 June each year, who export dairy products that fall within any of the following Customs tariff codes:</p> <p>(a) all codes under 04.01 milk and cream, not concentrated nor containing added</p>

Service area	Fee, charge, or levy*	When fee, charge, or levy payable and by whom
	EM last is the exporter's dairy export mass for the previous year	sugar or other sweetening matter:
	EMTotal last is the total dairy export mass for all large exporters for the previous year.	(b) all codes under 04.02 milk and cream, concentrated or containing added sugar or other sweetening matter:
	In the items above, year means a 1 July to 30 June year.	(c) all codes under 04.03 buttermilk, curdled milk and cream, yogurt, kephir, and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts, or cocoa:
		(d) all codes under 04.04 whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included:
		(e) all codes under 04.05 butter and other fats and oils derived from milk; dairy spreads:
		(f) all codes under 04.06 cheese and curd:
		(g) 35.01 casein, caseinates, and other casein derivatives; casein glues:
		(h) 3502.20.00 00C: milk albumin, including concentrates of two or more whey proteins:
		(i) 21.05 ice cream and other edible

Service area	Fee, charge, or levy*	When fee, charge, or levy payable and by whom
		ice, whether or not containing cocoa:
		(j) 1901.10.09 00C and 1901.90.09 28B: these codes cover infant formula, follow on formula and supplementary food for young children and adult nutritional powders:
		(k) 1702.11.00 00F: containing by weight 99% or more lactose, expressed as anhydrous lactose, calculated on the dry matter:
		(l) 1702.19.00 00B: containing by weight 99% or more lactose, expressed as anhydrous lactose, calculated on the dry matter and Other:
		(m) 2106.10.09 00J: protein concentrates and textured protein substances – Other (non-vegetable protein).
	\$200	Payable by small exporters on 30 September each year
<i>Approvals</i>		
Application for, assessment of, and approval or renewal of registration of person as a registered farm dairy operator or registered depot operator under the regulated control scheme imposed by the Raw Milk for Sale to Consumers Regulations 2015	\$135 per application	Applicant
Application for, evaluation of, and registration of new risk management programme fully based on a template	\$270 per application plus assessment charge on hourly basis after the first 180 minutes as specified in Part 2	Applicant
Application for, evaluation of, and registration of new customised risk management programme	\$405 per application plus assessment charge on hourly basis after the first 240 minutes as specified in Part 2	Applicant
Application for registration of significant amendment to risk	\$202.50 per application	Applicant

Service area	Fee, charge, or levy*	When fee, charge, or levy payable and by whom
management programme fully based on a template	plus assessment charge on hourly basis after the first 150 minutes as specified in Part 2	
Application for registration of significant amendment to customised risk management programme	\$337.50 per application plus assessment charge on hourly basis after the first 210 minutes as specified in Part 2	Applicant
Application for limited exemption from requirement to have a risk management programme	\$135 per application plus assessment charge on hourly basis after the first 60 minutes as specified in Part 2	Applicant
Application for, evaluation of, and approval of new quota compliance programme fully based on a template	\$270 per application plus assessment charge on hourly basis after the first 180 minutes as specified in Part 2	Applicant
Application for, evaluation of, and approval of new customised quota compliance programme	\$405 per application plus assessment charge on hourly basis after the first 240 minutes as specified in Part 2	Applicant
Application for approval of amendment to quota compliance programme fully based on a template	\$202.50 per application plus assessment charge on hourly basis after the first 150 minutes as specified in Part 2	Applicant
Application for approval of amendment to customised quota compliance programme	\$337.50 per application plus assessment charge on hourly basis after the first 210 minutes as specified in Part 2	Applicant
Approval of premises for export requirements	\$135 per application plus assessment charge on hourly basis after the first 60 minutes as specified in Part 2	Applicant
Approval of code of practice as valid and appropriate for the purpose of section 12(3A) of the Act	\$135 per approval	Applicant
Application for, evaluation of, and recognition of agency or person as recognised agency or recognised person under Part 8 of the Act	\$168.75 per application plus assessment charge on hourly basis after the first 135 minutes as specified in Part 2	Applicant
Application for renewal of recognition of agency or person as recognised agency or recognised person under Part 8 of the Act	\$67.50 per application plus assessment charge on hourly basis after the first 90 minutes as specified in Part 2	Applicant
Notification under section 26 of the Act for minor update to risk management programme, for update of any technical content	\$135 per notification plus assessment charge on hourly basis after the first 120 minutes as specified in Part 2	Applicant
Notification under section 26 of the Act of minor update to risk management programme, for update of administrative content only	\$67.50 per notification plus assessment charge on hourly basis after the first 90 minutes as specified in Part 2	Applicant

Service area	Fee, charge, or levy*	When fee, charge, or levy payable and by whom
<i>Market access functions</i>		
Application for market access functions	\$135 per application plus assessment charge on hourly basis after the first hour as specified in Part 2	Applicant
<i>Compliance and monitoring</i>		
Verification inspection and audits	\$135 plus assessment charge on hourly basis after the first hour as specified in Part 2	Payable by occupier of the premises subject to verification inspection and audits
Application for product disposition	\$202.50 per application plus assessment charge on hourly basis after the first 120 minutes as specified in Part 2	Applicant
<i>Official assurances</i>		
Issue of official assurance under section 61 of the Act	\$33.75 per application plus assessment charge on hourly basis after the first 15 minutes as specified in Part 2	Applicant
Reissue of official assurance under section 64(2) of the Act if replacement assurance demanded by importing country	\$405 per replacement certificate plus assessment charge on hourly basis after the first 3 hours as specified in Part 2	Applicant
Application to re-establish eligibility for export with an official assurance under the Animal Products Notice: Official Assurance Requirements, dated 20 September 2023, or any replacement notice	\$135 per application plus assessment charge on an hourly basis after the first 60 minutes as specified in Part 2	Applicant
<i>Exporter registration</i>		
Application for registration or renewal of registration	\$135 per application	Applicant
<i>Performance of functions, powers, or duties not elsewhere provided for</i>		
Performance or exercise of a function, power, or duty that— <ul style="list-style-type: none">is required to be undertaken under the Act, including under any regulations or notices; andis not prescribed elsewhere in these regulations	\$67.50 plus assessment charge on hourly basis after the first 30 minutes as specified in Part 2	The person whose actions resulted in the function, power, or duty being required to be performed or exercised
<i>Maintenance compounds</i>		
Application for approval of any maintenance compound under Part 13 of the Animal Products Regulations 2021	\$135 per approval plus assessment charge on hourly basis after the first 120 minutes as specified in Part 2	Applicant

Service area	Fee, charge, or levy*	When fee, charge, or levy payable and by whom
Application to renew approval of any maintenance compound under Part 13 of the Animal Products Regulations 2021	\$67.50 per approval plus assessment charge on hourly basis after the first 90 minutes as specified in Part 2	Applicant
<i>Infant formula</i>		
Issue of exporter declaration for infant formula product or formulated supplementary food for young children (within the meaning of those terms in clause 1.2(1) of the Animal Products Notice: Export Requirements for Infant Formula Products and Formulated Supplementary Foods for Young Children (1 February 2016))	\$33.75 per declaration plus assessment charge on hourly basis after the first 15 minutes as specified in Part 2	Payable by the exporter within 1 month of issue of the invoice
Audit of infant formula manufacturing under the Animal Products: China Overseas Market Access Requirements Notice June 2023 or any replacement notice	\$295 per hour	Applicant
<i>Stand-alone animal product storage premises</i>		
Development and maintenance of standards that apply to premises that—	\$207.30 per premises	Payable by the operator of the premises on 30 September each year
<ul style="list-style-type: none"> store animal products; and are covered by a risk management plan that does not include processing or manufacturing activities 		

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

Schedule Part 1: amended, on 1 July 2024, by regulation 4(1) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/88)

Schedule Part 1: amended, on 1 October 2023, by regulation 4(1) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2023 (SL 2023/226).

Schedule Part 1: amended, on 1 October 2023, by regulation 4(2) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2023 (SL 2023/226).

Schedule Part 1: amended, on 1 October 2023, by regulation 4(3) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2023 (SL 2023/226).

Schedule Part 1: amended, on 1 July 2022, by regulation 5(1) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2022 (SL 2022/159).

Schedule Part 1: amended, on 1 July 2022, by regulation 266(2) of the Animal Products Regulations 2021 (SL 2021/400).

Schedule Part 1: amended, on 1 November 2021, by regulation 4(1) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2021 (LI 2021/286).

Schedule Part 1: amended, on 1 November 2021, by regulation 4(2) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2021 (LI 2021/286).

Schedule Part 1: amended, on 1 November 2021, by regulation 4(3) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2021 (LI 2021/286).

Schedule Part 1: amended, on 1 November 2021, by regulation 4(4) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2021 (LI 2021/286).

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) that is spent on assessing the matter concerned beyond the first period of time specified for that matter in Part 1:

Category	Fee (\$)
(a) For each hour (excluding final part-hour) spent by an officer or employee of the Ministry, or a person engaged by the Ministry who is not an officer or employee	135.00
(b) For each 15-minute block in final part-hour spent under paragraph (a)	33.75

Schedule Part 2: amended, on 1 November 2021, by regulation 4(5) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2021 (LI 2021/286).

Schedule Part 2 item (a): amended, on 1 July 2019, by regulation 8(2)(a) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124).

Schedule Part 2 item (b): amended, on 1 July 2019, by regulation 8(2)(b) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124).

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 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 or notice 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 exercised or performed.

Part 4

Travel costs

Where travel of an officer or employee of the Ministry is required for any of the matters specified in this schedule, 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

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:

$(\text{cost per request} + \text{cost per second}) \times \text{appropriate percentage}$

where—

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

cost per second is the amount specified from time to time by the Director-General by notice under section 167(1)(ma) of the Act 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 those 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 6

Fee for services of certification and reconciliation

1 Quarterly fee payable by holder of export licence

- (1) A fee is payable for services of certification and reconciliation provided by the Ministry in relation to the regulated control scheme described in regulation 3 of the Animal Products (Regulated Control Scheme—Dairy Export Quota Products) Regulations 2008 (the **services**).
- (2) The holder of an export licence on 1 July, 1 October, 1 January, or 1 April must pay the fee on that date (the **payment date**).

- (3) The fee is calculated as follows:

$$\text{fee} = [(\text{amount to recover for year} \div 4) \times (\text{holder's allocated quantity} \div \text{total allocated quantity})]$$

where—

amount to recover for year is the amount, as specified from time to time by the Director-General by notice under section 167(1)(ma) of the Act, that needs to be recovered to fund the services in relation to all holders of export licences for the financial year in which the payment date falls

holder's allocated quantity is the total quantity (in tonnes) of all products in all designated markets for which the holder holds an export licence on the payment date

total allocated quantity is the total quantity (in tonnes) of all products in all designated markets for which all holders hold export licences on the payment date.

Part 7

Ministry verification charges

Preliminary provisions

- 1 The charges set out in this Part apply where any verification function under the Act 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.
- 2A Costs specified in this Part as an hourly charge or rate must be calculated by—
 - (a) adding together the total number of 15-minute units spent by an officer or employee of the Ministry on a verification function; and
 - (b) multiplying the total number of units by 25% of the applicable hourly charge or rate.

Schedule Part 7 clause 2A: inserted, on 1 July 2024, by regulation 4(2) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/88).

- 2B However, if the amount calculated under clause 2A is less than a minimum charge specified in item 3 of the table, the charge payable is the minimum charge.

Schedule Part 7 clause 2B: inserted, on 1 July 2024, by regulation 4(2) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/88).

- 3 In this Part,—

4 × 10-hour day roster means designated hours of work that are identified by the employer as a 4 × 10 hour day roster

after-hours call-out means circumstances in which a veterinary or non-veterinary verifier, having left a place or premises, has been recalled to duty for the purpose of carrying out a verification function outside of that verifier's normal hours of work

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 refers 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 refers 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

Ministry holiday means a day designated by the Director-General as a Ministry holiday and notified on a publicly accessible internet site maintained by or on behalf of the Ministry

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

normal time means time worked by a verifier, excluding time worked—

- (a) at time and a half; or
- (b) at double time; or
- (c) at penal time; or
- (d) on an after-hours call-out

penal rate 0.5 means—

- (a) if a shift starts before midnight and continues after midnight, the rate per hour of penal time worked by an employee during the period between midnight and 2 am Monday to Friday (on a day other than a public holiday or Ministry holiday); and
- (b) the rate per hour of the first 3 hours of penal time worked by an employee during the period between—
 - (i) midnight at the end of Friday; and
 - (ii) midday Saturday; and
- (c) *[Revoked]*

penal rate 1.0 means—

- (a) if a shift starts before midnight and continues after midnight, the rate for every hour of penal time worked by an employee during the period between 2 am and 6 am Monday to Friday; and
- (b) the rate for every hour of penal time worked by an employee during the period between midnight at the end of Friday and 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 public holiday or Ministry holiday; and
- (d) if a shift starts after midnight but before 6 am, the rate for every hour of penal time (other than the first hour) worked by an employee during the period between midnight and 6 am Monday to Friday; and
- (e) if a shift starts after midnight but before 6 am, the rate for the first hour (or part-hour) of penal time worked by an employee during a period of double time that falls between midnight at the end of Friday and midnight at the end of Sunday

penal rate 2.0 means, if a shift starts after midnight, the rate for the first hour (or part-hour) of penal time worked by an employee during the period between midnight and 6 am Monday to Friday (other than a public holiday or Ministry holiday)

penal time—

- (a) means hours worked by a verifier for which the verifier is entitled, by his or her contract of employment, to penal rates, being hours worked within a 40-hour week from Monday to Sunday or on a public holiday or Ministry holiday; but
- (b) does not include overtime, unless expressly stated otherwise in these regulations

public holiday has the meaning given by section 44 of the Holidays Act 2003

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 remuneration 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.

Schedule Part 7 clause 3 **after-hours call-out**: replaced, on 1 July 2024, by regulation 4(4) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/88).

Schedule Part 7 clause 3 **Ministry holiday**: inserted, on 1 July 2024, by regulation 4(3) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/88).

Schedule Part 7 clause 3 **normal time**: inserted, on 1 July 2024, by regulation 4(3) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/88).

Schedule Part 7 clause 3 **penal rate 0.5** paragraph (a): replaced, on 1 July 2024, by regulation 4(5) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/88).

Schedule Part 7 clause 3 **penal rate 0.5** paragraph (c): revoked, on 1 October 2023, by regulation 4(5) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2023 (SL 2023/226).

Schedule Part 7 clause 3 **penal rate 1.0** paragraph (a): replaced, on 1 October 2023, by regulation 4(6) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2023 (SL 2023/226).

Schedule Part 7 clause 3 **penal rate 1.0** paragraph (c): amended, on 1 July 2024, by regulation 4(6) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/88).

Schedule Part 7 clause 3 **penal rate 1.0** paragraph (d): replaced, on 1 October 2023, by regulation 4(7) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2023 (SL 2023/226).

Schedule Part 7 clause 3 **penal rate 1.0** paragraph (e): inserted, on 1 October 2023, by regulation 4(7) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2023 (SL 2023/226).

Schedule Part 7 clause 3 **penal rate 2.0**: replaced, on 1 October 2023, by regulation 4(8) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2023 (SL 2023/226).

Schedule Part 7 clause 3 **penal rate 2.0**: amended, on 1 July 2024, by regulation 4(7) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/88).

Schedule Part 7 clause 3 **penal time**: replaced, on 1 October 2023, by regulation 4(9) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2023 (SL 2023/226).

Schedule Part 7 clause 3 **penal time**: amended, on 1 July 2024, by regulation 4(8) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/88).

Schedule Part 7 clause 3 **public holiday**: inserted, on 1 July 2024, by regulation 4(3) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/88).

1 Establishment charge

A Basic hourly charge on export and game sectors

For each hour at normal time spent by a verifier in verification functions \$48.35

B Hourly charges for verifiers

(1) Veterinary verifier—

(a) non-shift rates—

per hour at normal time

the basic hourly charge specified in item A, plus an additional rate of \$79.80 per verifier per hour working at normal time

		per hour at 1½ time	\$168.05
		per hour at double time	\$207.95
	(b)	shift rates	the relevant rate specified in paragraph (a), plus an additional rate of—
			(i) \$45.00 per shift per verifier for evening shift
			(ii) \$45.00 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) \$39.90 per hour per verifier for penal time worked at penal rate 0.5
			(ii) \$79.80 per hour per verifier for penal time worked at penal rate 1.0
			(iii) \$159.60 per hour per verifier for penal time worked at penal rate 2.0
	(d)	reserve rate	the basic hourly charge specified in item A, plus an additional rate of \$79.80 per hour per reserve verifier
	(e)	after-hours call-outs (other than on public holidays or Ministry holidays)	\$149.18 per hour per verifier working at 1½ time (plus flat rate of \$8.70 breakfast shift charge, if applicable)
			\$182.79 per hour per verifier working at double time (plus flat rate of \$8.70 breakfast shift charge, if applicable)
	(f)	after hours call-outs (on public holidays or Ministry holidays)	\$115.57 per hour per verifier, plus \$537.77 per day per verifier
(2)		Supervising veterinary verifier—	
	(a)	non-shift rates—	
		per hour at normal time	the basic hourly charge specified in item A, plus an additional rate of \$88.10 per verifier per hour working at normal time
		per hour at 1½ time	\$180.50
		per hour at double time	\$224.55
	(b)	shift rates	the relevant rate specified in paragraph (a), plus an additional rate of—
			(i) \$45.00 per shift per verifier for evening shift
			(ii) \$45.00 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) \$44.00 per hour per verifier for penal time worked at penal rate 0.5

		(ii)	\$88.10 per hour per verifier for penal time worked at penal rate 1.0
		(iii)	\$176.20 per hour per verifier for penal time worked at penal rate 2.0
(d)	reserve rate		the basic hourly charge specified in item A, plus an additional rate of \$88.10 per hour per reserve verifier
(e)	after-hours call-outs (other than on public holidays or Ministry holidays)		\$169.08 per hour per verifier working at 1½ time (plus flat rate of \$8.70 breakfast shift charge, if applicable) \$209.32 per hour per verifier working at double time (plus flat rate of \$8.70 breakfast shift charge, if applicable)
(f)	after-hours call-outs on public holidays or Ministry holidays		\$128.84 per hour per verifier, plus \$643.91 per day per verifier
2	Circuit charge		
	<i>Hourly charges for verifiers for all verification activities</i>		
	Verifier—		
(a)	non-penal rates		\$206.70 per hour per verifier working at normal time \$250.62 per hour per verifier working at 1½ time \$294.54 per hour per verifier working at double time
(b)	penal rates		the relevant rate specified in paragraph (a), plus an additional rate of—
		(i)	\$43.92 per hour per verifier for penal time worked at penal rate 0.5
		(ii)	\$87.84 per hour per verifier for penal time worked at penal rate 1.0
		(iii)	\$175.68 per hour per verifier for penal time worked at penal rate 2.0
(c)	after-hours call-outs (other than on public holidays or Ministry holidays)		\$217.68 per hour per verifier working at 1½ time (plus flat rate \$8.70 breakfast shift charge, if applicable) \$250.62 per hour per verifier working at double time (plus flat rate \$8.70 breakfast shift charge, if applicable)
(d)	after-hours call-outs on public holidays or Ministry holidays		\$184.74 per hour per verifier, plus \$527.05 per day per verifier
3	Minimum charges for call-outs		
A	<i>Minimum charge for after-hours call-outs (other than on public holidays or Ministry holidays)</i>		
	If a verifier is required to attend an after-hours call-out (other than on a public holiday or Ministry holiday), the minimum charge payable is 3 hours at the applicable hourly rate under item 1B(1)(e) or (2)(e) or item 2(c), plus flat rate of \$8.70 breakfast shift (if applicable)		
B	<i>Minimum charge for after-hours call-outs on public holidays or Ministry holidays</i>		

If a verifier is required to attend an after-hours call-out on a public holiday or Ministry holiday, the minimum charge payable is 3 hours at the applicable hourly rate under item 1B(1)(f) or (2)(f) or item 2(d), plus the applicable daily rate under those items

4 Disestablishment charges

A *Where verifier employed by operator for less than 12 months*

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 *Where verifier employed by operator for 12 months or more*

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, phones, and technical equipment; and
- (b) expenses such as costs for recruitment, transfer, relocation, induction and training, salaries, new health and safety equipment, new folders, stationery, lockable cupboards, inspection stamps, and reject and hold tags

Schedule Part 7 table item 1: replaced, on 1 July 2024, by regulation 4(9) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/88).

Schedule Part 7 table item 2: replaced, on 1 July 2024, by regulation 4(9) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/88).

Schedule Part 7 table item 3: replaced, on 1 July 2024, by regulation 4(9) of the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/88).

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 14 May 2015.

Notes

1 *General*

This is a consolidation of the Animal Products (Dairy Industry Fees, Charges, and Levies) Regulations 2015 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/88)

Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2023 (SL 2023/226)

Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2022 (SL 2022/159)

Animal Products Regulations 2021 (2021/400): regulation 266

Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2021 (LI 2021/286)

Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248): regulation 13

Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2019 (LI 2019/124)

Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2016 (LI 2016/100)

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