

**Reprint
as at 1 January 2009**



**Animal Products (Dairy Industry Fees and Charges) Regulations 2007
(SR 2007/131)**

Anand Satyanand, Governor-General

Order in Council

At Wellington this 28th day of May 2007

Present:
His Excellency the Governor-General in Council

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Agriculture and Forestry.

Pursuant to section 166 of the Animal Products Act 1999, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

- These regulations are the Animal Products (Dairy Industry Fees and Charges) Regulations 2007.

2 Commencement

- These regulations come into force on 1 July 2007.

3 Application

- (1) The fees 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 is charged under the Animal Products (Fees, Charges, and Levies) Regulations 2007.

4 Fees

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

5 Revocation

- The Animal Products (Dairy Industry Fees and Charges) Regulations 2005 (SR 2005/105) are revoked.

Schedule Dairy industry fees

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Part 1

Fixed Fees

- Schedule Part 1 heading: inserted, on 1 January 2009, by regulation 4(1) of the Animal Products (Dairy Industry Fees and Charges) Amendment Regulations 2008 (SR 2008/377).

Service area	Type of fee	Fee	When fee payable and by whom
<i>Standards setting</i>			
Development and maintenance of standards	Quarterly fee	\$395,378	Payable by Fonterra Co-operative Group Limited on 1 July, 1 October, 1 January, and 1 April
	Quarterly fee	\$4,291	Payable by Westland Co-operative Dairy Company Limited on 1 July, 1 October, 1 January, and 1 April
	Quarterly fee	\$1,376	Payable by Tatua Co-operative Dairy Company Limited on 1 July, 1 October, 1 January, and 1 April
	Quarterly fee	\$242	Payable by Dairy Goat Co-operative (N.Z.) Limited on 1 July, 1 October, 1 January, and 1 April
	Quarterly fee	\$1,700	Payable by Open Country

Service area	Type of fee	Fee	When fee payable and by whom
			Cheese Limited on 1 July, 1 October, 1 January, and 1 April
	Annual fee	\$430 for each registered manufacturing premises receiving less than 316 000 kg of raw milk solids	Payable by the registrant on 1 July each year
Development and maintenance of market access standards and programme	Quarterly fee	\$129,800	Payable by Fonterra Co-operative Group Limited on 1 July, 1 October, 1 January, and 1 April
	Annual fee when first registered	\$345 for each exporter first registered in July, August, or September	Payable by the applicant on application for registration for the year commencing 1 July in the year of registration and ending on 30 June the following year
		\$259 for each exporter first registered in October, November, or December	Payable by the applicant on application for registration for the year commencing 1 July in the year of registration and ending on 30 June the following year
		\$173 for each exporter first registered in January, February, or March	Payable by the applicant on application for the year commencing 1 July of the year immediately before registration and ending on 30 June in the year of registration
		\$86 for each exporter first registered in April, May, or June	Payable by the applicant on application for registration for the year commencing 1 July of the year immediately before registration and ending on 30 June in the year of registration
	Annual fee	\$345 for each exporter	Payable by the registrant on 1 July each year
<i>Approvals</i>			
Application for, evaluation of, and approval or variation of risk management programmes and quota compliance programmes	Application for approval fee	\$137.25 per application plus \$137.25 per hour in excess of 1 hour processing application	\$137.25 payable by the applicant on application for approval and any remainder payable within 1 month of the granting or refusal to grant approval
	Disbursements	Actual cost	
Application for, evaluation of, and approval or variation of	Application for approval fee	\$137.25 per application plus	\$137.25 payable by the applicant on application for

Service area	Type of fee	Fee	When fee payable and by whom
approval of laboratories		\$137.25 per hour in excess of 1 hour processing application	approval and any remainder payable within 1 month of the granting or refusal to grant approval
	Disbursements	Actual cost	
Application for, evaluation of, and approval or variation of codes of practice	Application for approval fee	\$134 per application plus \$134 per hour in excess of 1 hour considering application	\$134 payable by the applicant on application for approval and any remainder payable within 1 month of the granting or refusal to grant approval
	Disbursements	Actual cost	
Application for, evaluation of, and recognition, variation, or renewal of agency or person as recognised agency or recognised person under Part 8 of the Animal Products Act 1999	Application for recognition fee	\$137.25 per application plus \$137.25 per hour in excess of 1 hour processing application	\$137.25 payable by the applicant on application for recognition and any remainder payable within 1 month of granting or refusal to grant recognition
	Disbursements	Actual cost	
Sanitisers and detergents	Application for approval fee	\$374.62 per approval	Payable by the applicant on application for approval
<i>Market access functions</i>			
Application of market access functions	Application fee	\$184.50 per application plus \$184.50 per hour in excess of 1 hour considering application	\$184.50 payable by the applicant on application and any remainder payable within 1 month of provision of notice
	Disbursements	Actual cost	
<i>Compliance and monitoring</i>			
Dairy residue monitoring programme	Quarterly fee	\$323,155	Payable by Fonterra Co-operative Dairy Limited on 1 July, 1 October, 1 January, and 1 April
	Annual fee when first registered	\$407 for each exporter first registered in July, August, or September	Payable by the applicant on application for registration for the year commencing 1 July in the year of registration and ending on 30 June the following year
		\$305 for each exporter first registered in October, November, or December	Payable by the applicant on application for registration for the year commencing 1 July in the year of registration and ending on 30 June the following year
		\$204 for each exporter first registered in January, February, or March	Payable by the applicant on application for the year commencing 1 July of the year immediately before registration and ending on 30 June in the year of

Service area	Type of fee	Fee	When fee payable and by whom
Performance monitoring		\$102 for each exporter first registered in April, May, or June	registration Payable by the applicant on application for registration for the year commencing 1 July of the year immediately before registration and ending on 30 June in the year of registration
	Annual fee	\$407 for each exporter	Payable by the registrant on 1 July
	Quarterly fee	\$101,291	Payable by Fonterra Co-operative Group Limited on 1 July, 1 October, 1 January, and 1 April
	Quarterly fee	\$3,023	Payable by Westland Co-operative Dairy Company Limited on 1 July, 1 October, 1 January, and 1 April
	Quarterly fee	\$930	Payable by Tatua Co-operative Dairy Company Limited on 1 July, 1 October, 1 January, and 1 April
	Quarterly fee	\$116	Payable by Dairy Goat Co-operative (N.Z.) Limited on 1 July, 1 October, 1 January, and 1 April
	Quarterly fee	\$1,163	Payable by Open Country Cheese Limited on 1 July, 1 October, 1 January, and 1 April
Verification inspection and audits	Annual fee	\$119 for each registered manufacturing premises receiving less than 316 000 kg of raw milk solids	Payable by the applicant on 1 July each year
	Inspection and audit fee	\$184.50 per hour	Payable by occupier of the premises subject to verification inspection and audits
	Disbursements	Actual cost	
Application for product disposition	Application fee	\$184.50 per application plus \$184.50 per hour in excess of 1 hour considering application to grant approval	\$184.50 payable by the applicant on application and any remainder payable within 1 month of granting or refusal
	Disbursements	Actual cost	
<i>Official assurances</i>			
Issue of official assurance	Issue fee	\$137.25 per hour or part hour	Applicant
	Disbursements	Actual cost	

Service area	Type of fee	Fee	When fee payable and by whom
Exporter registration			
Application for registration or renewal of registration	Application fee	\$137.25 per application plus \$137.25 per hour in excess of 1 hour processing application	\$137.25 payable by the applicant and any remainder payable within 1 month of granting or refusal to grant approval
Schedule Part 1 <i>Certification</i>: repealed, on 1 January 2009, by regulation 4(2) of the Animal Products (Dairy Industry Fees and Charges) Amendment Regulations 2008 (SR 2008/377).			

Part 2

Fee for services of certification and reconciliation

- Schedule Part 2: added, on 1 January 2009, by regulation 4(3) of the Animal Products (Dairy Industry Fees and Charges) Amendment Regulations 2008 (SR 2008/377).

1 Quarterly fee payable by holder of export licence

- (1) A fee is payable for services of certification and reconciliation provided by the New Zealand Food Safety Authority in relation to the regulated control scheme described in regulation 3 of the Animal Products (Regulated Control Scheme—Dairy Export Quota Products) Regulations 2008 (**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 (**payment date**).
- (3) The fee is calculated as follows:

$$\text{Fee} = \frac{\text{amount to recover for year}}{4} \times \frac{\text{holder's allocated quantity}}{\text{total allocated quantity}}$$

where—

amount to recover for year	is the amount, as determined by the New Zealand Food Safety Authority, 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 (inclusive of goods and services tax)
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.

2 Interpretation

- In this schedule, **designated market**, **export licence**, and **holder** have the same meaning as in section 5(1) of the Dairy Industry Restructuring Act 2001.

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 31 May 2007.

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Notes

1 General

- This is a reprint of the Animal Products (Dairy Industry Fees and Charges) Regulations 2007. The reprint incorporates all the amendments to the regulations as at 1 January 2009, as specified in the list of amendments at the end of these notes.
Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 Status of reprints

- Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.
This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

- A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/legislation/reprints.shtml> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

- Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.
A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.
In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:
 - •omission of unnecessary referential words (such as “of this section” and “of this Act”)
 - •typeface and type size (Times Roman, generally in 11.5 point)

- •layout of provisions, including:
 - •indentation
 - •position of section headings (eg, the number and heading now appear above the section)
- •format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- •format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- •position of the date of assent (it now appears on the front page of each Act)
- •punctuation (eg, colons are not used after definitions)
- •Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- •case and appearance of letters and words, including:
 - •format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - •small capital letters in section and subsection references are now capital letters
- •schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- •running heads (the information that appears at the top of each page)
- •format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 List of amendments incorporated in this reprint (most recent first)

- Animal Products (Dairy Industry Fees and Charges) Amendment Regulations 2008 (SR 2008/377)