



## Food (Fees and Charges) 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 sections 203, 204, and 208 of the Food Act 2014, 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 made after being satisfied that the requirements of sections 198 and 201 of that Act have been met and that there has been appropriate consultation in accordance with section 379 of that Act.

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## Regulations

### 1 Title

These regulations are the Food (Fees and Charges) Regulations 2015.

### 2 Commencement

These regulations come into force on 1 March 2016.

### 3 Fees and charges

- (1) The fees and charges set out in the Schedule are payable in respect of the matters specified in that schedule.
- (2) The fees and charges are exclusive of goods and services tax.

### 4 Chief executive and territorial authorities may grant exemption or waiver

- (1) The chief executive or a territorial authority may grant an exemption from, or waive or refund, any fee or charge specified in the Schedule, in whole or in part, in any particular case or class of cases to which 1 or more of the following apply:
  - (a) the amount of the fee or charge is less than the reasonable cost of recovering the fee or charge;
  - (b) there has been administrative error on the part of the Ministry or the territorial authority;
  - (c) the chief executive or the territorial authority is satisfied that it would be unreasonable or unfair to require the payment of the fee or charge;
  - (d) the chief executive or the territorial authority considers that more efficient processes can be used (for example, batching services), resulting in lower costs.
- (2) This regulation is revoked—
  - (a) on 30 June 2019, if regulations are not made under section 417 of the Food Act 2014 on or before that date; or
  - (b) on the earlier of the following dates, if regulations are made under section 417 of the Food Act 2014 on or before 30 June 2019:
    - (i) the date specified as the end date of that Act's introductory period in those regulations;
    - (ii) 28 February 2021.

## Schedule Fees and charges

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### Part 1 Interpretation

In this schedule, **custom food control plan** means a food control plan that is not based on a template or model issued or approved by the chief executive under section 39 or 40 of the Food Act 2014.

### Part 2 Fixed and hourly fees and charges

Service area	Fee or charge	When fee or charge payable and by whom
<i>Registration</i>		
Application for, assessment of, and registration of custom food control plans	\$348.50 per application plus \$155.00 per hour spent processing the application after the first 2 hours and 15 minutes	\$348.50 payable by the applicant on application for registration and any remainder payable within 20 working days of receipt of written demand for payment
Application for renewal of registration of custom food control plans	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
Application for registration of an amended custom food control plan due to a significant amendment	\$310.00 per application plus \$155.00 per hour spent processing the application after the first 2 hours	\$310.00 payable by the applicant on application for registration and any remainder payable within 20 working days of receipt of written demand for payment
Not-significant amendment of custom food control plans	\$77.50 per notification of amendment plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
Amendment to custom food control plans for a significant change in circumstances	\$155.00 per notification of amendment plus \$155.00 per hour spent processing the notification after the first hour	\$155.00 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
Voluntary suspension of registered custom food control plans	\$77.50 per notification of suspension plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of suspension and any remainder payable within 20 working days of receipt of written demand for payment
Application for registration of food control plans based on a	\$193.75 per application plus \$155.00 per hour spent processing the application after the first 1 hour and 15 minutes	\$193.75 payable by the applicant on application for registration and any remainder payable within 20 working

<b>Service area</b>	<b>Fee or charge</b>	<b>When fee or charge payable and by whom</b>
template or model issued by the chief executive		days of the granting of or refusal to grant registration
Application for renewal of registration of food control plans based on a template or model issued by the chief executive	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
Application for registration of an amended food control plan based on an approved template or model due to a significant amendment	\$155.00 per application plus \$155.00 per hour spent processing the application after the first hour	\$155.00 payable by the applicant on application for registration and any remainder payable within 20 working days of receipt of written demand for payment
Not-significant amendment of food control plans based on an approved template or model	\$77.50 per notification of amendment plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
Amendment to food control plans based on an approved template for a significant change in circumstances	\$77.50 per notification of amendment plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
Voluntary suspension of a registered food control plan based on an approved template or model	\$77.50 per notification of suspension plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of suspension and any remainder payable within 20 working days of receipt of written demand for payment
Application for, assessment of, and registration of a business subject to a national programme	\$116.25 per application plus \$155.00 per hour spent processing the application after the first 45 minutes	\$116.25 payable by the applicant on application for registration and any remainder payable within 20 working days of the granting of or refusal to grant registration
Application for renewal of registration of a business subject to a national programme	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
Amendment to registration of a business subject to a national programme because of a significant change in circumstances	\$77.50 per notification of amendment plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment

<b>Service area</b>	<b>Fee or charge</b>	<b>When fee or charge payable and by whom</b>
Voluntary suspension of registration of a business subject to a national programme	\$77.50 per notification of suspension plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of suspension and any remainder payable within 20 working days of receipt of written demand for payment
Application for, evaluation of, and registration as an importer of food	\$116.25 per application plus \$155.00 per hour spent processing the application after the first 45 minutes	\$116.25 payable by the applicant on application for registration and any remainder payable within 20 working days of the granting of or refusal to grant registration
Application for renewal of registration as an importer of food	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
Amendment to registration of an importer of food because of a significant change in circumstances	\$77.50 per notification of amendment plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
Voluntary suspension of registration as an importer of food	\$77.50 per notification of suspension plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of suspension and any remainder payable within 20 working days of receipt of written demand for payment
Application for, assessment of, and granting of an exemption	\$155.00 per application plus \$155.00 per hour spent processing the application after the first hour	\$155.00 payable by the applicant on application for exemption and any remainder payable within 20 working days of the granting of or refusal to grant exemption
<i>Approvals</i>		
Application for the approval of laboratories	\$193.75 per application plus \$155.00 per hour spent processing the application after the first 1 hour and 15 minutes	\$193.75 payable by the applicant on application for approval and any remainder payable within 20 working days of the granting of or refusal to grant approval
<i>Recognition</i>		
Application for, assessment of, and recognition of agency, person, or class of persons as a recognised agency, recognised person, or recognised class of persons	\$193.75 per application plus \$155.00 per hour spent processing the application after the first 1 hour and 15 minutes	\$193.75 payable by the applicant on application for recognition and any remainder payable within 20 working days of the granting of or refusal to grant recognition
Application for renewal of recognition of agency, person, or class of persons	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment

<b>Service area</b>	<b>Fee or charge</b>	<b>When fee or charge payable and by whom</b>
<i>Verification</i>		
Verification, inspection, and audit	\$155.00 per hour	Payable by the operator of the business subject to verification, inspection, or audit within 20 working days of receipt of written demand for payment
<i>Compliance</i>		
Issue of improvement notice, including development of the notice, by food safety officer	\$155.00 per notice plus \$155.00 per hour spent developing and issuing the notice after the first hour	Payable by the operator of the business subject to improvement notice within 20 working days of receipt of written demand for payment
Application for review of issue of improvement notice	\$155.00 per application plus \$155.00 per hour spent processing the application after the first hour	\$155.00 payable by the applicant on application for review and any remainder payable within 20 working days of receipt of written demand for payment
Application for, compilation of, and issue of statement of compliance	\$155.00 per application plus \$155.00 per hour spent processing the application after the first hour	\$155.00 payable by the applicant on application for statement of compliance and any remainder payable within 20 working days of receipt of written demand for payment
Issue of food recall direction by chief executive	\$155.00 per direction plus \$155.00 per hour spent developing and issuing the direction after the first hour	Payable by the operator of the business subject to food recall direction within 20 working days of receipt of written demand for payment
<i>Imported food</i>		
Clearance of imported food	\$60.00 per clearance plus \$120.00 per hour spent processing the clearance after the first 30 minutes	Payable by the operator of the business responsible for the imported food within 20 working days of receipt of written demand for payment
Administration of imported food categorised in regulations made under the Food Act 2014 as being of increased regulatory interest	\$120.00 per hour spent on administration activity for each consignment of imported food	Payable by the operator of the business responsible for the imported food within 20 working days of receipt of written demand for payment

### **Part 3**

#### **Disbursements**

The chief executive may require payment of the Ministry's actual and reasonable costs, including actual and reasonable incidental and additional costs incurred in connection with any matter specified in Part 2 of this schedule.

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 March 2016, set fees and charges for services provided and functions performed under the Food Act 2014 (the **principal Act**).

The fees and charges are set out in the *Schedule*. *Part 2 of the Schedule* sets out the fixed and hourly fees and charges for services and functions. The figures in *Part 2* are exclusive of goods and services tax (*see regulation 3(2)*). *Part 2* also provides when and by whom the fees and charges are payable. *Part 3 of the Schedule* provides that disbursements may be payable in relation to the services and functions specified in *Part 2*.

*Regulation 4* provides that the chief executive or a territorial authority may grant an exemption from, or waive or refund, any fee or charge under these regulations if certain circumstances exist. *Regulation 4* is made under section 208 of the principal Act. Regulations made under that section must expire within a specified period not exceeding 5 years (*see section 208(2)(a)*). If regulations are made under section 417 of the principal Act on or before 30 June 2019, *regulation 4* is revoked on the earlier of 28 February 2021 or the date specified as the end date of the principal Act's introductory period in those regulations. Otherwise, *regulation 4* is revoked on 30 June 2019.

## 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/etc>
- <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.