

Animal Products (Fees, Charges, and Levies) Regulations 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 28th day of May 2007

Present:

His Excellency the Governor-General in Council

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.

Contents

- 1 Title
- 2 Commencement
- 3 Dairy processing excluded
- 4 Fees and charges
- 5 Levies
- 6 When fees, charges, and levies payable
- 7 Alternative payment of annual charge
- 8 Exemptions
- 9 Director-General may grant exemption or waiver
- 10 GST
- 11 Revocation

Schedule 1
Fees and charges

Schedule 2
Levies

Regulations

1 Title

These regulations are the Animal Products (Fees, Charges, and Levies) Regulations 2007.

2 Commencement

These regulations come into force on 1 July 2007.

3 Dairy processing excluded

Nothing in these regulations requires the payment of any fee, charge, or levy by any dairy processor in respect of dairy processing operations or premises.

4 Fees and charges

(1) The fees and charges set out in Schedule 1 are payable in respect of the matters specified in that schedule.

(2) The fees and charges set out in Schedule 1 apply on and after 1 July 2007.

5 Levies

(1) The levies set out in Schedule 2 are payable in respect of the matters specified in that schedule.

(2) The annual levies set out in Schedule 2 apply on and after 1 July 2007.

6 When fees, charges, and levies payable

(1) Subject to subclauses (2) and (3) and regulation 7, the fees, charges, and levies specified in Schedules 1 and 2 are payable---

(a) on the making of the relevant application or on performance of the relevant service, as the case may require; or

(b) within 10 days, or within such longer period as the Director-General may allow, after receipt of a demand for the appropriate amount from the Director-General.

(2) In the case of the verification charges set out in Part 7 of Schedule 1, those charges are payable monthly in advance on the basis of an estimated charge notified by the Director-General, followed by reconciliation and an appropriate further payment or refund after provision of the actual services.

(3) The amount of any such estimated charge notified by the Director-General is payable on the later of---

(a) the tenth day after notification of the estimated amount by the Director-General; and

(b) either---

(i) in the case of export meat processors, the 27th day of the month preceding the month in which the services are to be provided:

(ii) in all other cases, the 24th day of the month preceding the month in which the services are to be provided.

7 Alternative payment of annual charge

(1) Despite anything in these regulations, the Director-General may, at the request of the person concerned, calculate an annual charge based on an estimate of the fees and charges set out in Schedule 1 that would be payable by

the person for the year.

(2) The Director-General must notify the person in writing of the annual charge calculated.

(3) An annual charge calculated under this regulation---

(a) is payable in equal monthly instalments by the 27th day of each month of the year to which it relates (or by the 27th day of the month following that in which the Director-General gives the person written notice of the calculation, if later); and

(b) is to be subject at the end of the year concerned to reconciliation and an appropriate further payment or refund once the level of the actual services provided is known.

8 Exemptions

No fee, charge, or levy is payable under these regulations in respect of the export of any dog that---

(a) is certified by the Royal New Zealand Foundation for the Blind as being a guide dog, or a dog under training as a guide dog, or a dog intended as breeding stock for guide dogs; or

(b) is certified by the Hearing Dogs for Deaf People New Zealand trust as being a hearing ear dog, or a dog under training as a hearing ear dog, or a dog intended as breeding stock for hearing ear dogs; or

(c) is certified by the Top Dog Companion Trust as being a companion dog, or a dog under training as a companion dog, or a dog intended as breeding stock for companion dogs.

9 Director-General may grant exemption or waiver

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 appropriate case or class of cases.

10 GST

The fees, charges, and levies in Schedules 1 and 2 determined on an hourly basis or on the basis of the number of animals involved in a relevant activity are inclusive of goods and services tax, unless those schedules specifically provide otherwise.

11 Revocation

The Animal Products (Fees, Charges, and Levies) Regulations 2002 (SR 2002/138) are revoked.

Part 1
Schedule of fees

Matter in respect of which fee payable under Animal Products	Fee*
1 Application under section 20 for registration of risk management programme	\$137.25 plus assessment charge on hourly basis specified in Part 2
2 Application under section 25 for agreement to amendment of risk management programme	\$137.25 plus assessment charge on hourly basis specified in Part 2
3 Fee in relation to update of risk management programme under section 26	\$137.25 plus assessment charge (if any) on hourly basis specified in Part 2
4 Application under section 34 for registration of food safety programme as risk management programme	\$100 plus assessment charge on hourly basis specified in Part 2 in respect of assessing of conditions
5 Application under section 54 for registration as exporter	\$137.25 plus assessment charge on hourly basis specified in Part 2
6 Application for approval of premises for export of products where required under export requirements	\$137.25 plus \$137.25 per hour in considering application, but excluding the first hour
7 Annual exporter registration fee under section 57	\$137.25 plus assessment charge on hourly basis specified in Part 2
8 Application under section 65G for listing as a game estate	\$137.25 plus assessment charge on hourly basis specified in Part 2
9 Annual listing fee under section 65L	\$137.25 plus assessment charge on hourly basis specified in Part 2
10 Application under section	\$137.25

75 for listing as homekill or recreational catch service provider	plus assessment charge on hourly basis specified in Part 2
11 Annual listing fee under section 77	\$137.25 plus assessment charge on hourly basis specified in Part 2
12 Application under section 102 for recognition or accreditation	\$137.25 plus assessment charge on hourly basis specified in Part 2
13 Annual recognition or accreditation fee under section 108	\$137.25 plus assessment charge on hourly basis specified in Part 2
14 Application for provision under section 111 of substituted notice of recognition or accreditation	\$40
15 Issue of official assurance under section 63	\$36
16 Reissue of official assurance under section 64(2) if replacement assurance demanded by importing country	\$1,000
17 Issue, on request, of statement of New Zealand standard under section 83	\$25
18 Registration of transport operator under notice issued under section 60	\$137.25 per application plus assessment charge on hourly basis specified in Part 2
19 Annual registration fee for transport operator	\$137.25 per application plus assessment charge on hourly basis specified in Part 2
20 Application to list animal material depot as required under notice issued under section 167 and renewal of listing	\$137.25 per application plus assessment charge on hourly basis specified in Part 2
21 Application for issue or	\$137.25 per application

revocation of relay permit for bivalve molluscan shellfish issued under Animal Products (Regulated Control Scheme--- Bivalve Molluscan Shellfish) Regulations 2006	plus assessment charge on hourly basis specified in Part 2
22 Application for registration as bivalve molluscan shellfish harvest operator under Animal Products (Regulated Control Scheme--- Bivalve Molluscan Shellfish) Regulations 2006	\$137.25 per application plus assessment charge on hourly basis specified in Part 2
23 Annual bivalve molluscan shellfish harvest operator fee	\$137.25
24 Application to list or renew listing as transport operators, sorting shed operators, or depot operators required by notice made under Animal Products (Regulated Control Scheme--- Bivalve Molluscan Shellfish) Regulations 2006	\$137.25 per application plus assessment charge on hourly basis specified in Part 2
25 Application to list as certified suppliers of petfood	\$137.25 per application plus assessment charge on hourly basis specified in Part 2
26 Application to list a limited processing vessel	\$137.25 per application plus assessment charge on hourly basis specified in Part 2
27 Annual limited processing vessel listing fee	\$137.25
28 Application for approval of MAF Devices (brands/seals) made under Animal Products (Export Requirements for Branding, Marking and Security Devices) Notice 2006 made under section 167.	\$137.25 per application plus assessment charge on hourly basis specified in Part 2
29 Application for	\$137.25 per application

recognition or
accreditation under
section 100

plus assessment charge on
hourly basis specified in
Part 2

*Fee exclusive of any applicable costs payable under Parts 3, 4, and 5.

Part 2
Assessment charges on hourly basis

Where Part 1 specifies an assessment charge on an hourly basis, that charge is to be determined as follows for each hour (or final part-hour) beyond the first hour spent on assessing the matter concerned:

Category	Fee (\$)
(a) For each hour (excluding final part-hour) spent by an officer or employee of the Ministry	137.25
For each 15-minute block in final part-hour	34.31
(b) For each hour (excluding final part-hour) spent by a person engaged by the Ministry to assess the matter concerned who is not an officer or employee of the Ministry	150
For each 15-minute block in final part-hour	37.50

Part 3
Costs incurred by Ministry at request of operator, etc
Actual and reasonable expenses incurred by an officer or employee of the Ministry may be recovered by the Ministry where those expenses arise from---

- (a) a request by the operator of a risk management programme, or other processor; or
- (b) an act or omission of an operator or processor.

Part 4
Travel costs

Where travel of a Ministry officer or employee is required for any of the matters specified in Parts 1, 2, 3, 7, and 8, an additional amount of \$0.69 per kilometre travelled by the officer or employee is payable in addition to the relevant fee or charge.

Part 5
Cost of other work-related allowances

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

Without limiting the generality of what constitutes a work-related allowance,

these include matters such as meal allowances, clothing and laundry allowances, and field, standby, and isolation allowances.

Part 6

Charges for use of electronic certification system

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

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

where---

cost per request is the amount fixed from time to time by the Director-General by notice under section 167(1)(ma) of the Animal Products Act 1999 for each database request, having regard to clauses 2 and 4

cost per second is the amount fixed from time to time by the Director-General by notice under section 167(1)(ma) of that Act for each second of time on the server, having regard to clauses 3 and 4

appropriate percentage is---

(a) for packhouses (being businesses that process or pack animal products intended for export but that do not carry out any other type of processing), 33%:

(b) for industry users of a class for which Ministry Verification Agency use of the electronic certification system is not required, 55%:

(c) for industry users of a class for which Ministry Verification Agency approvals apply to less than 16% of the industry user's export certificates, 55%:

(d) for all other industry users, 100%.

2 For the purposes of clause 1, the cost per request should generally be determined by dividing half the annual budget for the electronic certification system by the projected number of database requests for the year.

3 For the purposes of clause 1, the cost per second should generally be determined by dividing half the annual budget for the electronic certification system by the projected length of time (in seconds) that the server will take to respond to all database requests in the relevant year.

4 In setting any cost per request or cost per second, the aim is for these costs to reflect usage of the electronic certification system for the relevant year or other period, with regular updating if appropriate.

5 This Part applies to all users of the electronic certification system.

Part 7

MAF verification charges

Notes

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

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

3 In this Part,---

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

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

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

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

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

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

penal rate 0.5 means the rate per hour of the first 3 hours of penal time worked by an employee during the period between---

(a) midnight at the end of Friday; and

(b) midday Saturday

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

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

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

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

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

shifts

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

time and a half, or $1\frac{1}{2}$ time, refers to overtime hours worked by a verifier for which the verifier is entitled, by his or her employment contract, to time and a half rates

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

1 Establishment charge

A Basic hourly charge on export and game sectors

For each hour normal time (but not penal time hours or $1\frac{1}{2}$ or double time hours) spent by a verifier in verification functions	\$30.23
---	---------

B Hourly charges for verifiers

(1) Veterinary verifier---

(a) non-shift rates:

per hour	\$63.05
----------	---------

per hour at $1\frac{1}{2}$ time	\$70.51
---------------------------------	---------

per hour at double time	\$94.02
-------------------------	---------

(b) shift rates

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

(i) \$30.00 per shift per verifier

		for evening shift
	(ii)	\$41.00 per shift per verifier for night shift
(c)	penal rates	the relevant rates specified in paragraphs (a) and (b), plus an additional rate of---
	(i)	\$23.97 per hour per verifier for penal time worked at penal rate 0.5
	(ii)	\$47.94 per hour per verifier for penal time worked at penal rate 1.0
(d)	reserve rate	\$47.94 per hour for each hour worked by a reserve verifier

(2) Supervising veterinary verifier---

- (a) non-shift rates:
 - per hour \$67.04
 - per hour at 1 1/2 time \$76.52
 - per hour at double time \$102.03

- (b) shift rates
 - the relevant rate specified in paragraph (a), plus an additional rate of---
 - (i) \$30 per shift per verifier for evening shift
 - (ii) \$41 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) \$25.76
per hour
per
verifier
for penal
time
worked at
penal
rate 0.5

(ii) \$51.52
per hour
per
verifier
for penal
time
worked at
penal
rate 1.0

(d) reserve
rate \$51.52
per hour
for each
hour
worked by
a reserve
verifier

2 Circuit charge

A Basic hourly charge on primary processors who slaughter or dress animals other than fish

Charge for each hour \$20.82
per hour
spent by a verifier

in verification

function for animals

other than
fish

B Basic hourly charge on secondary processors (other than processors of fish and operators of coolstores or other storage premises)

Charge \$20.82
for each
hour
spent by
a

verifier
in
verification

function

C Annual charge for coolstores or other storage premises, and for processors of fish

(to be pro-rated on a monthly basis where verification contract for less than a full year)

(a) coolstores \$980.00 per annum

or other storage premises, per coolstore or other premises

(b) primary processing \$489.00 per annum

(including

on a fishing vessel) of fish other than bivalve molluscan shellfish

(c) primary processing \$1,379.00 per annum

of bivalve molluscan shellfish

D Monthly charge for fishing vessels

Charge \$18.50 per annum per vessel

(in addition to any relevant charge under item C)

E Hourly charges for verifiers
(for all
verification
activities)

(1) non-veterinary
verifier:

(a) non-penal
rates:

per hour \$83.49
(excluding

seafood
and
coolstore
premises)

per hour \$81.91
for
seafood
and
coolstore
premises

per hour \$107.02
at 11/2
time

per hour \$142.70
at double
time

(b) penal rates the relevant rate specified in paragraph (a), plus an additional rate of---

(i) \$35.67
per hour
per
verifier
for penal
time
worked at

penal
rate 0.5

(ii) \$71.35
per hour
per
verifier
for penal
time
worked at
penal
rate 1.0

(2)

veterinary
verifier:

(a) non-penal
rates

per hour \$83.49
(excluding

seafood
and
coolstore
premises)

per hour \$81.91
for
seafood
and
coolstore
premises

per hour \$107.02
at 1 1/2
time

per hour \$142.70
at double
time

(b) penal
rates

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

rate of---

(i) \$35.67
per hour
per
verifier
for penal
time
worked at
penal
rate 0.5

(ii) \$71.35
per hour
per
verifier
for penal
time
worked at
penal
rate 1.0

3

After-hours

callout
charge

A Minimum
charge

Minimum
charge
for any
individual

after-hours

callout,
however
long

charge
for 3
hours at
the
relevant
rate
under
item B
(plus
flat rate
\$8.70
breakfast
shift
charge,
if
applicable)

B Hourly
charges
for
verifiers

(a) per hour

\$75.00
(plus
flat rate

		\$8.70 breakfast shift charge, if applicable)
(b)	per hour at 1 1/2 time	\$125.00 (plus flat rate \$8.70 breakfast shift charge, if applicable)
(c)	per hour at double time	\$150.00 (plus flat rate \$8.70 breakfast shift charge, if applicable)

Part 8

Unit charges and hourly rates in respect of export of live animals and animal germplasm

Type of unit	Charge (\$)
1 Unit charges payable for each relevant unit to be exported	
Cats and dogs (including semen) (per animal or straw)	25.00
Livestock (only bovine, caprine, cervine, ovine, and porcine) (per head of livestock)	1.75
Cattle over and above a consignment size of 4 000 cattle per exporter (per additional head of cattle)	1.00
Sheep over and above a consignment size of 5 000 sheep per exporter (per additional sheep)	1.00

Bloodstock (only equine) (per horse)	3.45
Semen (only equine, bovine, caprine, cervine, and ovine) (per straw)	0.08
Embryos and ova (only equine, bovine, caprine, cervine, and ovine) (per embryo or ovum)	4.00
Day old chicks and hatching eggs (only poultry and ducklings) (per chick or egg)	0.0013
Ferrets (per ferret)	2.10
Queen bees and bumble bees (per bee), and other honey bees (per kilogram)	0.75
Other animals and animal germplasm not specified above (per animal, egg, or straw)	4.95

2 Hourly charges

(1) Hourly rate for recognised persons who are employees of the Ministry undertaking specialist functions and activities necessary for the export of live animals or germplasm:

- | | |
|---|-------|
| (a) for each hour (excluding final part-hour) | 96.10 |
| (b) for each 15-minute block in final part-hour | 24.05 |

(2) Hourly rate for services undertaken by an employee of the Ministry, on behalf of an exporter, to negotiate with the importing country alternative measures for meeting access requirements for overseas markets:

- | | |
|--|--------|
| (a) for each hour (excluding final part-hour) | 132.00 |
| (b) for each 15-minute block in final part-hour | 33.00 |
| (3) Hourly rate for services undertaken by an employee of the Ministry, on behalf of an exporter, to negotiate new access requirements for overseas markets (except for exporters of cats and dogs): | |
| (a) for each hour (excluding final part-hour) | 132.00 |
| (b) for each 15-minute block in final part-hour | 33.00 |

Schedule 2	rr 5, 6, 10
Levies	

Notes

1 The levies set out in this schedule are payable by---

- (a) operators of risk management programmes in respect of operations under the programme:
- (b) operators of hides and skins export approved premises:
- (c) operators of fishing vessels operating under the regulated control scheme set out in the Animal Products (Regulated Control Scheme---Limited Processing Fishing Vessels) Regulations 2001.

2 The levies set out in this schedule are payable irrespective of who performs any verification or other function in relation to the processing operations.

3 The levies per head set out in clause 1 are exclusive of goods and services tax, and goods and services tax on those levies will be added to the total invoice.

1 Levies per head where animals slaughtered and dressed (GST exclusive)

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

Operators that process wholly or partly for	Operators that process only for consumption
---	---

	export	within New Zealand
Lambs, bobby calves, goats	\$0.09 per head	\$0.03 per head
Sheep	\$0.08 per head	\$0.03 per head
Pigs	\$0.24 per head	\$0.08 per head
Cattle, horses	\$0.69 per head	\$0.21 per head
Deer	\$0.86 per head	\$0.10 per head
Ostriches, emus	\$6.54 per head	\$1.02 per head
Poultry	\$0.004399 per bird	\$0.00255 per bird
Other species (other than fish)	\$0.20 per head	\$0.20 per head

2 Annual levies for fish

- | | | |
|-----|---|--------------------|
| (a) | primary processors of fish other than bivalve molluscan shellfish | \$4,540 per annum |
| (b) | primary processors of bivalve molluscan shellfish | \$11,007 per annum |

3 Annual levy for coolstores and other storage premises

- | | |
|--|-----------------|
| Operator of a coolstore or other storage premises, per coolstore or other premises | \$190 per annum |
|--|-----------------|

4 Monthly levy for fishing vessels

- | | |
|----------------|-----------------|
| Fishing vessel | \$378 per month |
|----------------|-----------------|

operating
under risk
management
programme
or under
regulated
control
scheme set
out in
Animal
Products
(Regulated
Control
Scheme---
Limited
Processing
Fishing
Vessels)
Regulations
2001

5 Annual levy for primary or secondary animal processing premises
or places that do not include animal slaughter

(a)	annual levy for bee products	\$258 per annum for all processors	
(b)	annual levy for egg products	\$191 per annum for all processors	
(c)	annual levy for animal feed processors	\$326 per annum*	\$769 per annum<1>
(d)	annual levy for dual operator butchers	\$222 per annum for all processors	
(e)	annual levy for renderers	\$297 per annum*	\$1,252 per annum<1>
(f)	annual levy for hides and skins processors	\$80 per annum for all processors	
(g)	annual levy for primary	\$954 per annum*	\$1,054 per annum<1>

or
secondary
processors
(processing
animal
material or
animal
product not
covered
under
paragraph
(a) to (f)

*Operators that process only for consumption within New Zealand.
<1>Operators that process wholly or partly for export.

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