

**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

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.

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.

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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.
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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 Cheese Limited on 1 July, 1 October, 1 January, and 1 April |

| Service area | Type of fee | Fee | When fee payable and by whom |
|--|----------------------------------|--|--|
| | 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 |

| Service area | Type of fee | Fee | When fee payable and by whom |
|---|------------------------------|--|---|
| | | \$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 approval of laboratories | 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 | |

| Service area | Type of fee | Fee | When fee payable and by whom |
|---|---------------------------------|---|---|
| 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 |

| Service area | Type of fee | Fee | When fee payable and by whom |
|------------------------------------|----------------------------------|--|--|
| | 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 registration |

| Service area | Type of fee | Fee | When fee payable and by whom |
|------------------------|--------------------|---|---|
| | | \$102 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 | \$407 for each exporter | Payable by the registrant on 1 July |
| Performance monitoring | 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 |

| Service area | Type of fee | Fee | When fee payable and by whom |
|---|--------------------------|--|--|
| | 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 |
| Verification inspection and audits | 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 | \$184.50 payable by the applicant on application and any remainder payable within 1 month of granting or refusal to grant approval |
| | Disbursements | Actual cost | |
| <i>Official assurances</i> | | | |
| Issue of official assurance | Issue fee | \$137.25 per hour or part hour | Applicant |
| | Disbursements | Actual cost | |
| <i>Exporter registration</i> | | | |
| 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 *Certification*: 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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 - 2 Status of reprints
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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)
