

**Reprint
as at 1 September 2014**



**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.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

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 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 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 under section 61 | Issue fee | \$36 | Applicant |
| Reissue of official assurance under section 64(2) if replacement assurance demanded by importing country | Issue fee | \$412 per replacement certificate plus \$137.25 per hour in excess of 3 hours considering application, to a maximum of \$1,000 | Applicant |
| | Disbursements | Actual cost | |

| Service area | Type of fee | Fee | When fee payable and by whom |
|---|-----------------|--|---|
| <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: amended, on 1 September 2014, by regulation 4(1) of the Animal Products (Dairy Industry Fees and Charges) Amendment Regulations 2014 (LI 2014/206).

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 1A

Charges for use of electronic certification system

Schedule Part 1A: inserted, on 1 September 2014, by regulation 4(2) of the Animal Products (Dairy Industry Fees and Charges) Amendment Regulations 2014 (LI 2014/206).

- 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:

(cost per request + cost per second) × 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 clause 2

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 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 these 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 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 Legislation Act 2012.
Date of notification in *Gazette*: 31 May 2007.

Reprints notes

1 *General*

This is a reprint of the Animal Products (Dairy Industry Fees and Charges) Regulations 2007 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Animal Products (Dairy Industry Fees and Charges) Amendment Regulations 2014 (LI 2014/206)

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