



Biosecurity (Costs) Amendment 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 section 165 of the Biosecurity Act 1993, 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 Primary Industries given after consultation in accordance with section 164D of that Act.

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Regulations

1 Title

These regulations are the Biosecurity (Costs) Amendment Regulations 2015.

2 Commencement

These regulations come into force on 1 July 2015.

3 Principal regulations

These regulations amend the Biosecurity (Costs) Regulations 2010 (the **principal regulations**).

4 Regulation 3 amended (Interpretation)

- (1) In regulation 3(1), definition of **biosecurity adviser**, paragraph (b), after “operators”, insert “; or”.
- (2) In regulation 3(1), definition of **biosecurity adviser**, after paragraph (b), insert:
 - (c) undertaking risk assessment of any goods, craft, or people arriving at the border

5 Regulation 5 replaced (Costs inclusive of GST)

Replace regulation 5 with:

5 Costs exclusive of GST

Costs payable under these regulations are exclusive of goods and services tax.

6 Regulation 6 amended (Payment of costs)

Replace regulation 6(3) with:

- (3) The Director-General may require that,—
 - (a) for any activities specified in any item in the Schedule where the costs are either hourly charges or actual and reasonable costs,—
 - (i) the amount of costs estimated by him or her be paid before the activities are carried out; and
 - (ii) after the activities are carried out, there be a reconciliation followed by an appropriate payment or refund:

- (b) for the activities specified in any item in the Schedule where the costs are fixed, the costs be paid in advance of the activities being carried out.

7 Regulation 8 amended (Travel costs)

- (1) In regulation 8(2), after “Travel costs”, insert “for a general inspector or a biosecurity adviser”.
- (2) Replace regulation 8(2)(a) with:
 - (a) \$34.86 for an activity at a site that is 4 km radius or less from the base (or an equal share of that cost if more than 1 activity is carried out at the same site):
 - (ab) \$70.75 for an activity at a site that is more than 4 km radius, but not more than 10 km radius, from the base (or an equal share of that cost if more than 1 activity is carried out at the same site):
- (3) In regulation 8(2)(b), replace “\$100” with “\$109.24”.
- (4) In regulation 8(2)(c), replace “\$163” with “\$149.19”.
- (5) In regulation 8(3)b, replace “69” with “67”.
- (6) Replace regulation 8(4) with:
 - (4) The hourly rate for travel costs for a general inspector or a biosecurity adviser is \$102.27.
 - (4A) The hourly rates for travel costs for a veterinary inspector are—
 - (a) \$186.30 for a veterinary inspector working at 1 times his or her hourly rate:
 - (b) \$252.17 for a veterinary inspector working at 1.5 times his or her hourly rate:
 - (c) \$318.04 for a veterinary inspector working at 2 times his or her hourly rate.

8 Regulation 9 amended (Waiting-time costs)

Replace regulation 9(3) with:

- (3) The hourly rates for waiting-time costs are—
 - (a) \$102.27 for a general inspector or a biosecurity adviser:
 - (b) \$186.30 for a veterinary inspector.

9 Regulation 10 amended (Call-out costs)

Replace regulation 10(3) and (4) with:

- (3) The hourly rates for call-out costs are—
 - (a) \$116.16 for a general inspector or a biosecurity adviser working at 1.5 times his or her hourly rate:

- (b) \$130.05 for a general inspector or a biosecurity adviser working at 2 times his or her hourly rate.
- (4) The hourly rates for call-out costs for a veterinary inspector are—
 - (a) \$252.17 for a veterinary inspector working at 1.5 times his or her hourly rate:
 - (b) \$318.04 for a veterinary inspector working at 2 times his or her hourly rate.
- (4A) The daily rate for call-out costs on a public holiday are—
 - (a) \$222.28 per day, in addition to the applicable hourly rate in subclause (3)(a) or (b), for a general inspector or a biosecurity adviser:
 - (b) \$845.13 per day, in addition to the applicable hourly rate in subclause (4)(a) or (b), for a veterinary inspector.

10 New regulations 10A and 10B inserted

After regulation 10, insert:

10A Incidental and additional costs

The Director-General may require payment of the Ministry's actual and reasonable costs, including actual and reasonable incidental and additional costs incurred in connection with any matters for which costs are prescribed by these regulations, including—

- (a) the costs of any external review, expert review, notification, product testing, travel, or accommodation:
- (b) disbursements incurred by the Ministry for the performance or exercise of any functions, powers, or duties referred to in the Schedule.

10B Work done by veterinary inspectors outside standard working hours

- (1) This regulation applies to work and related travel of a veterinary inspector for any activity prescribed in the second column of the Schedule while working at 1.5 times or 2 times his or her hourly rate.
- (2) If this regulation applies,—
 - (a) any related travel costs that would otherwise be payable under regulation 8 are instead payable at the applicable rate set out in subclause (3):
 - (b) any costs that would otherwise be payable at a rate prescribed by the Schedule are instead payable at the applicable rate set out in subclause (3).
- (3) The hourly rates for the work or travel costs are—
 - (a) \$252.17 for a veterinary inspector working at 1.5 times his or her hourly rate:

- (b) \$318.04 for a veterinary inspector working at 2 times his or her hourly rate.
- (4) However, this regulation does not apply to any costs to which regulation 10 applies.

11 Schedule replaced

Replace the Schedule with the schedule set out in the Schedule of these regulations.

Schedule Schedule replaced

r 11

Schedule Costs payable for activities

r 6

| Item | Function, power, or duty for which costs are payable | Costs | Costs payable by |
|--|---|--|------------------|
| <i>Inspection of goods generally</i> | | | |
| 1 | Inspection of goods (except goods imported for the personal use of the importer) for the purpose of ascertaining whether those goods should be cleared | \$102.27 per hour for each general inspector involved and \$186.30 per hour for each veterinary inspector involved | Importer |
| <i>Tests, examinations, and treatment of goods that harbour or may harbour organisms</i> | | | |
| 2 | Tests, examinations, and treatments of imported goods, that harbour, or may harbour, an organism, that are— | \$102.27 per hour for each general inspector involved and \$186.30 per hour for each veterinary inspector involved; and actual and reasonable costs of the tests, examinations, and treatments | Importer |
| | (a) carried out by the Ministry; and | | |
| | (b) necessary to identify the organism, so as to enable an inspector to decide whether the goods should— | | |
| | (i) be cleared; or | | |
| | (ii) be moved from a transitional facility to a containment facility; or | | |
| | (iii) continue to be held in a transitional or containment facility (as the case may be) | | |
| <i>Inspection of motor cycles, mopeds, and motor vehicles at ports approved as places of first arrival</i> | | | |
| 3 | Inspection, and each re-inspection after treatment, of a consignment of a single used motor cycle or moped carried out at ports approved as places of first arrival under section 37 of the Act for the purpose of ascertaining whether the consignment should be cleared | \$18.08 per motor cycle or moped | Importer |
| 4 | Inspection, and each re-inspection after treatment, of a consignment of a single used motor vehicle having a gross laden weight not exceeding 3 500 kg (other than a motor cycle or moped) carried out at ports approved as places of first arrival under section | \$49.53 per motor vehicle | Importer |

| Item | Function, power, or duty for which costs are payable | Costs | Costs payable by |
|---|---|--|---|
| | 37 of the Act for the purpose of ascertaining whether the consignment should be cleared | | |
| 5 | Inspection, and each re-inspection after treatment, of a consignment of a single used motor vehicle having a gross laden weight exceeding 3 500 kg carried out at ports approved as places of first arrival under section 37 of the Act for the purpose of ascertaining whether the consignment should be cleared | \$60.79 per motor vehicle | Importer |
| <i>Inspection of unaccompanied goods imported for personal use</i> | | | |
| 6 | Inspection of unaccompanied goods imported for personal use of the importer for the purpose of ascertaining whether those goods should be cleared | \$25.57 for 1 item \$51.13 for 2 to 4 items \$102.27 for 5 to 12 items \$132.95 for 13 to 20 items \$158.52 for 21 to 28 items \$184.08 for 29 to 36 items \$25.57 for each block or part block of 8 items exceeding 36 items | Importer |
| <i>Inspection of goods not prescribed elsewhere in Schedule</i> | | | |
| 7 | Inspection, and each re-inspection after treatment of any goods (except accompanied goods imported for the personal use of the importer) that are required to be inspected under the Act for the purpose of ascertaining whether the goods should be cleared, and for which costs are not prescribed elsewhere in this Schedule | \$102.27 per hour for each general inspector involved and \$186.30 per hour for each veterinary inspector involved | Importer |
| <i>Monitoring controls on new organisms and inspection of animals, animal material, or plants</i> | | | |
| 8 | Monitoring controls on new organisms in containment facilities | \$102.27 per hour for each general inspector involved \$94.38 per hour for each veterinary inspector involved in inspecting an animal or animal material imported directly from Switzerland or a country that is a member of the European Community | Person holding an approval (issued under the Hazardous Substances and New Organisms Act 1996) to import the organism into containment, or to hold the organism in containment; or (where there is no approval) the importer or owner of the organism or the goods that harbour the organism |

| Item | Function, power, or duty for which costs are payable | Costs | Costs payable by |
|------|---|--|-------------------|
| 9 | Inspection of an animal that is intended to be cleared, or directed to a transitional or containment facility, on arrival | <p>\$186.30 per hour for each veterinary inspector or involved in inspecting an animal or animal material imported directly from a country that is not Switzerland and is not a member of the European Community</p> <p>\$102.27 per hour for each general inspector involved in inspecting an animal or animal material from a country that is not Switzerland and is not a member of the European Community</p> <p>\$186.30 per hour for each veterinary inspector or involved in inspecting an animal or animal material imported directly from a country that is not Switzerland and is not a member of the European Community</p> <p>\$28.19 per animal imported directly from Switzerland or a country that is a member of the European Community</p> <p>\$49.61 per pet animal imported from a country that is not Switzerland and is not a member of the European Community</p> <p>No fee applies in relation to an assistance animal imported from any country, if the animal is accompanying a person who requires animal assistance</p> | Importer |
| 10 | Inspection of an animal that— (a) is on board a craft within New Zealand territory; and (b) is not intended to be cleared | <p>\$102.27 per hour for each general inspector involved and \$186.30 per hour for each veterinary inspector involved</p> | Operator of craft |

| Item | Function, power, or duty for which costs are payable | Costs | Costs payable by |
|------|---|--|------------------|
| 11 | <p>Inspection and monitoring of an animal or plant held in a transitional or containment facility for the purpose of ascertaining whether the animal or a plant should—</p> <p>(a) be cleared; or</p> <p>(b) be moved from a transitional facility to a containment facility; or</p> <p>(c) continue to be held in a transitional or containment facility, as the case may be</p> | <p>\$102.27 per hour for each general inspector involved</p> <p>\$94.38 per hour for each veterinary inspector involved in inspecting an animal or animal material imported directly from Switzerland or a country that is a member of the European Community</p> <p>\$186.30 per hour for each veterinary inspector involved in inspecting an animal or animal material imported directly from a country that is not Switzerland and is not a member of the European Community</p> | Importer |
| 12 | <p>Inspection of a consignment of animal material (other than fish meal) for the purpose of ascertaining whether it should be cleared</p> | <p>\$102.27 per hour for each general inspector involved in inspecting a consignment of animal material imported from a country that is not Switzerland and is not a member of the European Community</p> <p>\$186.30 per hour for each veterinary inspector involved in inspecting an animal or animal material imported directly from a country that is not Switzerland and is not a member of the European Community</p> <p>\$28.19 for inspection of documents for each consignment imported directly from Switzerland or a country that is a member of the European Community</p> | Importer |

| Item | Function, power, or duty for which costs are payable | Costs | Costs payable by |
|------|---|---|---|
| | | \$56.37 for other types of inspection for each consignment imported directly from Switzerland or a country that is a member of the European Community | |
| | <i>Treatment, destruction, or disposal of risk goods</i> | | |
| 13 | Treatment, before being cleared, of risk goods imported— | Actual and reasonable costs of treatment; and any costs of packaging, storing, forwarding, and returning the goods before and after treatment | Importer |
| | (a) in a person's baggage (whether or not the baggage is accompanied); or | | |
| | (b) through the mail; or | | |
| | (c) among personal effects | | |
| 14 | Treatment of imported risk goods, other than risk goods specified in item 13 | Actual and reasonable costs of treatment; and any costs of packaging, storing, forwarding, and returning the goods before and after treatment | Importer |
| 15 | Destruction, transportation, re-shipment, or other disposal of goods | Actual and reasonable costs of destruction, transportation, re-shipment, or other disposal | Importer |
| 16 | Supervising, or advising on, destruction, transportation, re-shipment, or other disposal of goods | \$102.27 per hour for each inspector or biosecurity adviser involved | Importer |
| | <i>Permits issued under import health standards</i> | | |
| 17 | Processing an application for a permit, or amendment to a permit, under import health standards | \$191.95 for each application processed, plus \$102.27 per hour for each biosecurity adviser for processing beyond the first 1.5 hours. | Applicant |
| | <i>Transitional and containment facilities</i> | | |
| 18 | Processing an application for approval of a transitional or containment facility, or a facility operator | \$887.70 for each application processed, plus \$102.27 per hour for each inspector or biosecurity adviser for processing beyond the first 8 hours | Applicant |
| 19 | Inspection and compliance auditing of a transitional or containment facility, to ascertain whether it should be approved, or continue to be approved, under section 39 of the Act | \$102.27 per hour for each inspector or biosecurity adviser involved | Applicant or facility operator (as the case may be) |

| Item | Function, power, or duty for which costs are payable | Costs | Costs payable by |
|---|---|--|--|
| 20 | Investigation and compliance auditing of a facility operator, or proposed operator, to ascertain whether the operator or proposed operator should be approved, or continue to be approved, under section 40 of the Act | \$102.27 per hour for each inspector or biosecurity adviser involved | Applicant or facility operator (as the case may be) |
| 21 | <p>Assessing results obtained from inspection and compliance auditing of a transitional or containment facility, determining whether to confirm that the facility can continue to be approved under section 39 of the Act and, if appropriate, issuing confirmation documentation</p> <p>Development and maintenance of facility and operator administrative systems and processes, including legal and finance (invoicing) systems</p> <p>Development and maintenance of databases and registers</p> <p>Dealing with general and technical enquiries, including time spent in sourcing requested information and undertaking required research</p> | \$298.05 per annum for each registered facility | Facility operator |
| <i>Auditing a ruminant protein control programme</i> | | | |
| 22 | Investigation and compliance auditing of a ruminant protein control programme under regulation 7A of the Biosecurity (Ruminant Protein) Regulations 1999 | \$186.30 per hour for each inspector or authorised person involved who is employed under the State Sector Act 1988 or who is an agent of, or contracted to, the Ministry | Operator |
| <i>Functions, powers, and duties not prescribed elsewhere in Schedule</i> | | | |
| 23 | <p>Performing or exercising a function, power, or duty—</p> <p>(a) required to be undertaken under the Act or regulations made under the Act; and</p> <p>(b) not prescribed elsewhere in this schedule</p> | <p>\$102.27 per hour for each general inspector or biosecurity adviser involved</p> <p>\$186.30 per hour for each veterinary inspector involved</p> | Person whose actions result in the function, power, or duty being required |
| 24 | Carrying out an activity relating to equivalences or Chief Technical Officer directions due to an individual or company's non-compliance with import health standards or other import regulations, or providing advice, beyond an initial 15-minute period, to an importer in relation to the importation of goods | \$102.27 per hour for each biosecurity adviser involved | Importer |

| Item | Function, power, or duty for which costs are payable | Costs | Costs payable by |
|------|---|---|--|
| 25 | Technical staff providing support for the delivery of specialist services | \$155.00 per hour, in 15-minute increments, plus actual and reasonable costs incurred | Person whose actions result in the function being required |

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 July 2015, amend the Biosecurity (Costs) Regulations 2010 (the **principal regulations**).

Regulation 1 relates to the Title.

Regulation 2 relates to the commencement of the regulations.

Regulation 3 states the Title of the principal regulations amended by these regulations.

Regulation 4 amends the definition of biosecurity adviser to include the function of risk assessment of any goods, craft, or people arriving at the border.

Regulation 5 replaces regulation 5 of the principal regulations and makes the costs prescribed by those regulations GST exclusive. All the new rates in these regulations are GST exclusive.

Regulation 6 amends regulation 6 of the principal regulations, which relates to the payment of costs under those regulations. *New regulation 6(3)* is substituted to provide that an inspector or biosecurity adviser may require that—

- the costs for activities specified in the *Schedule*, where the costs are either hourly charges or actual and reasonable costs, be paid on the basis of estimated costs before the activities are carried out, followed by reconciliation and an appropriate payment or refund after activities are carried out;
- the costs for activities specified in the *Schedule*, where the costs are fixed, be paid in advance of the activities being carried out.

Regulation 7 amends regulation 8 of the principal regulations, which relates to travel costs. The amendments include—

- splitting the former zero to 10km zone into 2 zones (up to 4 km and over 4km to not more than 10 km);
- prescribing new rates for veterinary inspectors;
- adjusting the fixed mileage rate so that it corresponds with the Inland Revenue Department's published standard vehicle mileage rate once GST is added.

Regulation 8 amends regulation 9 of the principal regulations, which relates to waiting-time costs. The amendment changes the rate for general inspectors and biosecurity advisers and prescribes a rate for veterinary inspectors.

Regulation 9 amends regulation 10 of the principal regulations, which relates to call-out costs. The amendment changes the rate of general inspectors and biosecurity advisers working at 1.5 times and 2 times their hourly rate. The amendment also prescribes new rates for veterinary inspectors.

Regulation 10 inserts into the principal regulations—

- *new regulation 10A*, which provides for recovery of the Ministry's actual and reasonable incidental and additional costs incurred in connection with any matters for which costs are prescribed by these regulations:
- *new regulation 10B*, which provides for the recovery of the costs of work done by veterinary inspectors outside standard working hours.

Regulation 11 replaces the Schedule of the principal regulations. *Items 24 and 25* are new. *Item 24* prescribes costs for carrying out an activity relating to equivalences or Chief Technical Officer directions due to an individual or company's non-compliance with import health standards or other import regulations, or providing advice, beyond an initial 15-minute period, to an importer in relation to the importation of goods. *Item 25* prescribes costs for technical staff providing support for the delivery of specialist services.

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/>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Ministry for Primary Industries.