



Agricultural Compounds and Veterinary Medicines (Fees, Charges, and Levies) 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 75, 81D, 81E, and 81H of the Agricultural Compounds and Veterinary Medicines Act 1997, 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 after—
 - (i) being satisfied that the requirements of sections 81 and 81B of that Act have been met; and
 - (ii) taking into account the results of consultation in accordance with section 78 of that Act.

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Regulations

1 Title

These regulations are the Agricultural Compounds and Veterinary Medicines (Fees, Charges, and Levies) Regulations 2015.

2 Commencement

These regulations come into force on 1 July 2015.

3 Interpretation

In these regulations, unless the context otherwise requires, **Act** means the Agricultural Compounds and Veterinary Medicines Act 1997.

4 Fees, charges, and levies

- (1) The fees and charges set out in Schedule 1 and the levies set out in Schedule 2 are payable in respect of the matters to which they relate.
- (2) The fees, charges, and levies are exclusive of goods and services tax.

5 When fees, charges, and levies payable

The fees and charges set out in Schedule 1 and the levies set out in Schedule 2 are payable—

- (a) on the making of the relevant application or on the performance of the relevant service, as the case may require; or
- (b) in the case of fees payable annually and levies, by 1 October every year.

6 Director-General may grant exemption, waiver, or refund

- (1) The Director-General may grant an exemption from, or may waive or refund, any fee or charge set out in Schedule 1 or levy set out in Schedule 2, in whole or in part, in any particular case or class of case.
- (2) The power conferred by subclause (1) includes power to grant an exemption, waiver, or refund in any of the circumstances described in section 44ZO(1)(a) to (c) of the Act.

7 Revocation

The Agricultural Compounds and Veterinary Medicines (Fees and Charges) Regulations 2002 (SR 2002/135) are revoked.

Schedule 1 Fees and charges

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Part 1 Fees and charges

Matter for which fee or charge payable	Fee or charge*	Fee or charge payable by
1 Consideration by an ACVM officer whether to give authority or clearance under section 5 or 6 of the Act, including determining which of the categories in section 6(1) of the Act goods fall under	\$102.27 per authority or clearance Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The importer
2 Application under section 8C of the Act for approval of the importation, manufacture, sale, or use of an agricultural compound without registration	\$155 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant
3 Application under section 9 of the Act to register a trade name product or to vary 1 or more conditions on a registered trade name product	\$155 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant
4 Responding to inquiries about form and content of applications under section 10 of the Act	\$155 per inquiry Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The inquirer
5 Assessing whether an application to register a trade name product complies with section 10 of the Act	\$540 per application	The applicant
6 Considering waiver of notice under section 15 of the Act	\$155 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant
7 Registering in the register of trade name products, in accordance with section 21(1)(d) of the Act, a trade name product or a variation of 1 or more conditions on a registered trade name product	\$540 per registration or variation	The applicant
8 Inspecting the register of registered trade names in accordance with section 24(5) of the Act	\$155 per inspection Plus inspection charge on hourly basis after the first hour, as specified in Part 2	The person inspecting the register
9 Application to provisionally register a trade name product of an agricultural compound under section 26 of the Act	\$155 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant

Matter for which fee or charge payable	Fee or charge*	Fee or charge payable by
10 Application for approval of an operating plan under section 28 of the Act, or Director-General giving notice of an amendment to, or revocation of, an approval of an operating plan	\$155 per application or notice Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant or person to whom notice is given
11 Monitoring compliance with conditions imposed (whether on the registrant, importer, manufacturer, seller, purchaser, or user) under the Act or regulations made under the Act	\$155 Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The person to whom the conditions apply
12 Suspension under section 30A of the Act of the registration of a trade name product registered under section 21 or 27 of the Act	\$155 per suspension Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The registrant
13 Application under section 35C of the Act for the Director-General to issue a certificate of compliance under section 35A of the Act	\$155 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant
14 Recall of an agricultural compound under section 35G of the Act	\$155 per recall Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The person to whom the recall notice is directed
15 Application for recognition under section 44C, 44E, or 44G of the Act	\$155 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant
16 Recognition of a person under section 44F of the Act without an application	\$155 per recognition Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The person who is recognised
17 Application for renewal of recognition under section 44Q of the Act	\$155 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant
18 Application under section 44S of the Act for a new notice of recognition in substitution for an existing notice of recognition	\$155 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant
19 For each year for which an agency or a person is recognised in accordance with section 44T of the Act	\$155, payable annually Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The recognised agency or recognised person
20 Inspection in accordance with section 64 of the Act for the purpose of enforcing provisions of the Act	\$155 per inspection Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The person being inspected

Matter for which fee or charge payable	Fee or charge*	Fee or charge payable by
21 Performance or exercise of a function, duty, or power that is—	\$77.50 Plus assessment charge on hourly basis after the first 30 minutes, as specified in Part 2	The person whose actions resulted in the function, duty, or power being required to be performed or exercised
(a) required to be undertaken under the Act, including under any regulations or notices; and		
(b) not prescribed elsewhere in these regulations		

*Fee or charge exclusive of any applicable costs payable under Part 3 or 4

Part 2

Assessment and inspection charges on hourly basis

Where Part 1 specifies an assessment or inspection charge on an hourly basis, that charge is to be determined as follows for each hour (or final part-hour) beyond the first 30 minutes or the first hour, as the case may be, spent on assessing or inspecting the matter concerned:

Category	Fee
(a) for each hour (excluding final part-hour) spent by a person (whether or not employed by the Ministry)	\$155.00
(b) for each 15-minute block in final part-hour spent under paragraph (a)	\$38.75
(c) for each hour (excluding final part-hour) spent by a person (whether or not employed by the Ministry) under item 1 in Part 1	\$102.27
(d) for each 15-minute block in final part-hour spent under paragraph (c)	\$25.57

Part 3

Costs incurred by Ministry

- 1 Actual and reasonable costs, including actual and reasonable incidental and additional costs incurred by a Ministry employee, or a person engaged by the Ministry who is not an employee, may be recovered by the Ministry where those costs arise from a request by, or an act or omission of, any person under the Act or regulations or notices made under the Act.
- 2 The costs in clause 1 include, but are not limited to,—
 - (a) the costs of external review, expert review, notification, product testing, travel, and accommodation; and
 - (b) disbursements such as the costs of photocopying, printing and stationery, telephone, fax, video conferencing, postage, and couriers.
- 3 For technical staff providing support for the delivery of specialist services in relation to functions, duties, or powers under the Act or any regulations or noti-

ces made under the Act, a fee of \$155 per hour is payable, in 15-minute increments, by the person whose actions result in the function, duty, or power being required to be performed or exercised.

Part 4 Travel costs

Where travel of a Ministry employee, or a person engaged by the Ministry who is not an employee, is required for any of the matters specified in Parts 1, 2, and 3, an additional amount of \$0.67 per kilometre travelled by the employee or person is payable in addition to the relevant fee or charge.

Schedule 2 Levies

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Matters for which levy payable	Levy	Levy payable by
For—	\$540	Payable annually by each—
(a) development and review of the manner in which declarations under section 7 of the Act must be made; and		(a) registrant:
(b) specifying information requirements under section 10(2) of the Act; and		(b) person who holds an exemption under section 8C of the Act:
(c) development and review of generic conditions for the purposes of section 23(1) and (2) of the Act; and		(c) person who has obtained approval of an operating plan:
(d) development and review of the manner in which applications under section 35C(1) of the Act must be made, and specifying information requirements under that section; and		(d) recognised person
(e) development and review of specifications for the purposes of section 44ZN of the Act; and		
(f) development and review of specifications and requirements for the purposes of section 76A of the Act		

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 come into force on 1 July 2015. They replace the Agricultural Compounds and Veterinary Medicines (Fees and Charges) Regulations 2002 (the **principal regulations**) and prescribe new fees, charges, and levies payable in respect of matters under the Agricultural Compounds and Veterinary Medicines Act 1997 (the **Act**).

Regulation 1 relates to the Title.

Regulation 2 provides that the regulations come into force on 1 July 2015.

Regulation 3 defines a term used in the regulations.

Regulation 4 provides that the fees, charges, and levies set out in *Schedules 1 and 2* are payable and are GST exclusive.

Regulation 5 sets out when the fees, charges, and levies are payable.

Regulation 6 authorises the Director-General to grant an exemption from, or to waive or refund, any fee, charge, or levy. This power includes power to grant an exemption, waiver, or refund in any of the circumstances described in section 44ZO(1)(a) to (c) of the Act (which concern an application made under section 44I of the Act by 1 person for more than 1 type of recognition, an application made under section 44Q of the Act by 1 person to renew more than 1 type of recognition, and 1 person being liable under section 44T of the Act to pay a prescribed fee, charge, or levy for ongoing recognition under more than 1 of sections 44C to 44G of the Act).

Regulation 7 revokes the Agricultural Compounds and Veterinary Medicines (Fees and Charges) Regulations 2002.

Schedule 1 prescribes the fees and charges payable under these regulations and who is responsible for paying them. The fees and charges include—

- a fee for 20 types of matters and processes:
- a fee for the performance or exercise of a function, duty, or power required to be undertaken under the Agricultural Compounds and Veterinary Medicines Act 1997 and not prescribed elsewhere in the regulations:
- actual and reasonable costs, including actual and reasonable incidental and additional costs incurred by a Ministry employee, or a person engaged by the Ministry who is not an employee, such as the costs of external review, expert review, product testing, travel, and accommodation, and also the costs of disbursements for the functions referred to in the schedule.

Schedule 2 prescribes the levies payable under these regulations and who is responsible for paying them.

These regulations will be treated as having been revoked with the close of 30 June 2016 unless they are confirmed by an Act of Parliament passed on or before that day (see section 81L of the Act).

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.

Date of notification in *Gazette*: 14 May 2015.

These regulations are administered by the Ministry for Primary Industries.