



## Food (Fees and Charges) Amendment Regulations 2018

Patsy Reddy, Governor-General

### Order in Council

At Wellington this 28th day of May 2018

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 203, 204, and 208 of the Food Act 2014—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Food Safety made after being satisfied that the requirements of sections 198 and 201 of that Act have been met and that there has been appropriate consultation in accordance with section 379 of that Act.

### Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations	2
4 Schedule replaced	2
<b>Schedule</b>	<b>2</b>
<b>Schedule replaced</b>	

## Regulations

### 1 Title

These regulations are the Food (Fees and Charges) Amendment Regulations 2018.

### 2 Commencement

These regulations come into force on 1 July 2018.

### 3 Principal regulations

These regulations amend the Food (Fees and Charges) Regulations 2015 (the **principal regulations**).

### 4 Schedule replaced

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

## Schedule Schedule replaced

r 4

### Schedule Fees and charges

r 3

#### Part 1 Interpretation

In this schedule, **custom food control plan** means a food control plan that is not based on a template or model issued or approved by the chief executive under section 39 or 40 of the Food Act 2014 (the **Act**).

#### Part 2 Fixed and hourly fees and charges

Service area	Fee or charge	When fee or charge payable and by whom
<i>Registration</i>		
Application for, assessment of, and registration of custom food control plans	\$348.50 per application plus \$155.00 per hour spent processing the application after the first 2 hours and 15 minutes	\$348.50 payable by the applicant on application for registration and any remainder payable within 20 working days of receipt of written demand for payment

<b>Service area</b>	<b>Fee or charge</b>	<b>When fee or charge payable and by whom</b>
Application for renewal of registration of custom food control plans	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
Application for registration of an amended custom food control plan due to a significant amendment	\$310.00 per application plus \$155.00 per hour spent processing the application after the first 2 hours	\$310.00 payable by the applicant on application for registration and any remainder payable within 20 working days of receipt of written demand for payment
Not-significant amendment of custom food control plans	\$77.50 per notification of amendment plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
Amendment to custom food control plans for a significant change in circumstances	\$155.00 per notification of amendment plus \$155.00 per hour spent processing the notification after the first hour	\$155.00 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
Voluntary suspension of registered custom food control plans	\$77.50 per notification of suspension plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of suspension and any remainder payable within 20 working days of receipt of written demand for payment
Application for registration of food control plans based on an approved template or model	\$193.75 per application plus \$155.00 per hour spent processing the application after the first 1 hour and 15 minutes	\$193.75 payable by the applicant on application for registration and any remainder payable within 20 working days of the granting of or refusal to grant registration
Application for registration of food control plans based on a template or model issued by the chief executive	\$193.75 per application plus \$155.00 per hour spent processing the application after the first 1 hour and 15 minutes	\$193.75 payable by the applicant on application for registration and any remainder payable within 20 working days of the granting of or refusal to grant registration
Application for renewal of registration of food control plans based on an approved template or model	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
Application for renewal of registration of food control plans based on a template or model issued by the chief executive	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
Application for registration of an amended food control plan based on an approved template or model due to a significant amendment	\$155.00 per application plus \$155.00 per hour spent processing the application after the first hour	\$155.00 payable by the applicant on application for registration and any remainder payable within 20 working days of receipt of written demand for payment

<b>Service area</b>	<b>Fee or charge</b>	<b>When fee or charge payable and by whom</b>
Application for registration of an amended food control plan based on a template or model issued by the chief executive due to a significant amendment	\$155.00 per application plus \$155.00 per hour spent processing the application after the first hour	\$155.00 payable by the applicant on application for registration and any remainder payable within 20 working days of receipt of written demand for payment
Not-significant amendment of food control plans based on an approved template or model	\$77.50 per notification of amendment plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
Not-significant amendment of food control plans based on a template or model issued by the chief executive	\$77.50 per notification of amendment plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
Amendment to food control plans based on an approved template for a significant change in circumstances	\$77.50 per notification of amendment plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
Amendment to food control plans based on a template or model issued by the chief executive for a significant change in circumstances	\$77.50 per notification of amendment plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
Voluntary suspension of a registered food control plan based on an approved template or model	\$77.50 per notification of suspension plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of suspension and any remainder payable within 20 working days of receipt of written demand for payment
Voluntary suspension of a registered food control plan based on a template or model issued by the chief executive	\$77.50 per notification of suspension plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of suspension and any remainder payable within 20 working days of receipt of written demand for payment
Application for, assessment of, and registration of a business subject to a national programme	\$116.25 per application plus \$155.00 per hour spent processing the application after the first 45 minutes	\$116.25 payable by the applicant on application for registration and any remainder payable within 20 working days of the granting of or refusal to grant registration
Application for renewal of registration of a business subject to a national programme	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
Amendment to registration of a business subject to a national programme because of a significant change in circumstances	\$77.50 per notification of amendment plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
Voluntary suspension of registration of a business	\$77.50 per notification of suspension plus \$155.00 per hour	\$77.50 payable by the applicant on notification of suspension and

<b>Service area</b>	<b>Fee or charge</b>	<b>When fee or charge payable and by whom</b>
subject to a national programme	spent processing the notification after the first 30 minutes	any remainder payable within 20 working days of receipt of written demand for payment
Application for, evaluation of, and registration as an importer of food	\$116.25 per application plus \$155.00 per hour spent processing the application after the first 45 minutes	\$116.25 payable by the applicant on application for registration and any remainder payable within 20 working days of the granting of or refusal to grant registration
Application for renewal of registration as an importer of food	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
Amendment to registration of an importer of food because of a significant change in circumstances	\$77.50 per notification of amendment plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
Voluntary suspension of registration as an importer of food	\$77.50 per notification of suspension plus \$155.00 per hour spent processing the notification after the first 30 minutes	\$77.50 payable by the applicant on notification of suspension and any remainder payable within 20 working days of receipt of written demand for payment
Application for, assessment of, and granting of an exemption	\$155.00 per application plus \$155.00 per hour spent processing the application after the first hour	\$155.00 payable by the applicant on application for exemption and any remainder payable within 20 working days of the granting of or refusal to grant exemption
<i>Approvals</i>		
Application for approval of laboratories	\$193.75 per application plus \$155.00 per hour spent processing the application after the first 1 hour and 15 minutes	\$193.75 payable by the applicant on application for approval and any remainder payable within 20 working days of the granting of or refusal to grant approval
Application for renewal of a laboratory approval	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
Application to amend the details of a laboratory approval (between renewals)	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for approval and any remainder payable within 20 working days of receipt of written demand for payment
Application for, assessment of, and approval of a template or model under section 40 of the Act	\$155.00 per application plus \$155.00 per hour spent processing the application after the first hour	\$155.00 payable by the applicant on application for approval and any further amounts payable within 20 working days of receipt of written demand for payment
Application for renewal of approval of a template or	\$155.00 per application plus \$155.00 per hour spent	\$155.00 payable by the applicant on application for renewal and any further amounts payable

<b>Service area</b>	<b>Fee or charge</b>	<b>When fee or charge payable and by whom</b>
model under section 40 of the Act	processing the application after the first hour	within 20 working days of receipt of written demand for payment
Application for approval of an amended template or model under section 40 of the Act	\$155.00 per application plus \$155.00 per hour spent processing the application after the first hour	\$155.00 payable by the applicant on application for approval and any further amounts payable within 20 working days of receipt of written demand for payment
Application for approval under section 291 of the Act to meet a requirement of the Act (except a requirement for a laboratory approval)	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for approval and any remainder payable within 20 working days of receipt of written demand for payment
Application for renewal of an approval under section 291 of the Act	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
Application to amend the details of an approval under section 291 of the Act (between renewals)	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for approval and any remainder payable within 20 working days of receipt of written demand for payment
<i>Recognition</i>		
Application for, assessment of, and recognition of an agency, a person, or a class of persons as a recognised agency, recognised person, or recognised class of persons	\$193.75 per application plus \$155.00 per hour spent processing the application after the first 1 hour and 15 minutes	\$193.75 payable by the applicant on application for recognition and any remainder payable within 20 working days of the granting of or refusal to grant recognition
Application for renewal of recognition of an agency, a person, or a class of persons	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
Application to amend the details of recognition of an agency, a person, or a class of persons (between renewals)	\$77.50 per application plus \$155.00 per hour spent processing the application after the first 30 minutes	\$77.50 payable by the applicant on application to amend and any remainder payable within 20 working days of receipt of written demand for payment
<i>Verification</i>		
Verification, inspection, and audit	\$155.00 per hour	Payable by the operator of the business subject to verification, inspection, or audit within 20 working days of receipt of written demand for payment
<i>Compliance</i>		
Issue of improvement notice, including development of the notice, by a food safety officer	\$155.00 per notice plus \$155.00 per hour spent developing and issuing the notice after the first hour	Payable by the operator of the business subject to improvement notice within 20 working days of receipt of written demand for payment

<b>Service area</b>	<b>Fee or charge</b>	<b>When fee or charge payable and by whom</b>
Application for review of issue of improvement notice	\$155.00 per application plus \$155.00 per hour spent processing the application after the first hour	\$155.00 payable by the applicant on application for review and any remainder payable within 20 working days of receipt of written demand for payment
Application for, compilation of, and issue of statement of compliance	\$155.00 per application plus \$155.00 per hour spent processing the application after the first hour	\$155.00 payable by the applicant on application for statement of compliance and any remainder payable within 20 working days of receipt of written demand for payment
Issue of food recall direction by chief executive	\$155.00 per direction plus \$155.00 per hour spent developing and issuing the direction after the first hour	Payable by the operator of the business subject to food recall direction within 20 working days of receipt of written demand for payment
<i>Imported food</i>		
Clearance of imported food	\$60.00 per clearance plus \$120.00 per hour spent processing the clearance after the first 30 minutes	Payable by the operator of the business responsible for the imported food within 20 working days of receipt of written demand for payment
Administration of imported food categorised in regulations made under the Act as being of increased regulatory interest	\$120.00 per hour spent on administration activity for each consignment of imported food	Payable by the operator of the business responsible for the imported food within 20 working days of receipt of written demand for payment
<i>Waivers</i>		
Application under section 53(3)(b) of the Act for a waiver of the requirement for a custom food control plan to be evaluated	\$348.75 per application plus \$155.00 per hour spent processing the application after the first 2 hours and 15 minutes	\$348.75 payable by the applicant on application for registration and any remainder payable within 20 working days of receipt of written demand for payment

### **Part 3**

#### **Disbursements**

The chief executive may require payment of the Ministry's actual and reasonable costs, including actual and reasonable incidental and additional costs incurred in connection with any matter specified in Part 2 of this schedule.

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 2018, prescribe 16 new charges under the Food Act 2014 (the **Act**). The new charges relate to the matters described in the following table:

<b>Item</b>	<b>Description of charge</b>
1	Application for registration of food control plans based on an approved template or model
2	Application for renewal of registration of food control plans based on an approved template or model
3	Application for registration of an amended food control plan based on a template or model issued by the chief executive due to a significant amendment
4	Not-significant amendment of food control plans based on a template or model issued by the chief executive
5	Amendment to food control plans based on a template or model issued by the chief executive for a significant change in circumstances
6	Voluntary suspension of a registered food control plan based on a template or model issued by the chief executive
7	Application for renewal of a laboratory approval
8	Application to amend the details of a laboratory approval (between renewals)
9	Application for, assessment of, and approval of a template or model under section 40 of the Act
10	Application for renewal of approval of a template or model under section 40 of the Act
11	Application for approval of an amended template or model under section 40 of the Act
12	Application for approval under section 291 of the Act to meet a requirement of the Act (except a requirement for a laboratory approval)
13	Application for renewal of an approval under section 291 of the Act
14	Application to amend the details of an approval under section 291 of the Act (between renewals)
15	Application to amend the details of recognition of an agency, a person, or a class of persons (between renewals)
16	Application under section 53(3)(b) of the Act for a waiver of the requirement for a custom food control plan to be evaluated

The rates prescribed in the *new Schedule* of the principal regulations for the new matters are rates already applying to existing charges. Other prescribed charges in the Schedule remain unchanged.

### Regulatory impact assessment

The Ministry for Primary Industries (MPI) prepared a Stage 2 Cost Recovery Impact Statement (CRIS2) for these regulations on 3 April 2018 to help inform the decision taken by the Government relating to the contents of this instrument. The MPI Regulatory Impact Analysis Panel reviewed the CRIS2 and considered that the information and analysis summarised in it met the panel's current understanding of the quality assurance criteria.

A copy of this CRIS2 can be found at—

- <https://www.mpi.govt.nz/dmsdocument/28878>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 31 May 2018.

These regulations are administered by the Ministry for Primary Industries.