



## Food (Fees and Charges) Amendment Regulations 2019

Patsy Reddy, Governor-General

### Order in Council

At Wellington this 27th day of May 2019

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 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 New regulations 4 and 5 inserted	2
4 Chief executive may exempt, waive, or refund fees and charges	2
5 Territorial authorities may exempt, waive, or refund fees	2
5 Regulation 6 revoked (Revocation of regulations 4 and 5)	3
6 Schedule amended	3
<b>Schedule</b>	<b>4</b>
<b>Part 2 of Schedule replaced</b>	

## Regulations

### 1 Title

These regulations are the Food (Fees and Charges) Amendment Regulations 2019.

### 2 Commencement

These regulations come into force on 1 July 2019.

### 3 Principal regulations

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

### 4 New regulations 4 and 5 inserted

After regulation 3, insert:

#### 4 Chief executive may exempt, waive, or refund fees and charges

- (1) The chief executive may grant an exemption from, or a waiver or refund of, any fee or charge for services (provided by the Ministry) specified in the Schedule, in whole or in part, in any particular case or class of case to which 1 or more of the following circumstances apply:
  - (a) the amount of the fee or charge is less than the reasonable cost of recovering the fee or charge:
  - (b) the Ministry has made an administrative error:
  - (c) the chief executive is satisfied that it would be unreasonable or unfair to require payment of the fee or charge:
  - (d) the chief executive considers that more efficient processes can be used (for example, batching services), resulting in lower costs.
- (2) This regulation is revoked on 30 June 2024.

#### 5 Territorial authorities may exempt, waive, or refund fees

- (1) A territorial authority may grant an exemption from, or a waiver or refund of, any fee fixed by the territorial authority under section 205 of the Food Act 2014, in whole or in part, in any particular case or class of case to which 1 or more of the following circumstances apply:
  - (a) the amount of the fee is less than the reasonable cost of recovering the fee:
  - (b) the territorial authority has made an administrative error:
  - (c) the territorial authority is satisfied that it would be unreasonable or unfair to require payment of the fee:
  - (d) the territorial authority considers that more efficient processes can be used (for example, batching services), resulting in lower costs.

(2) This regulation is revoked on 30 June 2024.

**5 Regulation 6 revoked (Revocation of regulations 4 and 5)**

Revoke regulation 6.

**6 Schedule amended**

In the Schedule, replace Part 2 with the Part 2 set out in the Schedule of these regulations.

**Schedule**  
**Part 2 of Schedule replaced**

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<b>Part 2</b>			
<b>Fixed and hourly fees and charges</b>			
<b>Service area</b>	<b>Fee or charge</b>	<b>When fee or charge payable and by whom</b>	
<i>Registration</i>			
1	Application for, assessment of, and registration of custom food control plans	\$303.75 per application plus \$135.00 per hour spent processing the application after the first 2 hours and 15 minutes	\$303.75 payable by the applicant on application for registration and any remainder payable within 20 working days of receipt of written demand for payment
2	Application for renewal of registration of custom food control plans	\$67.50 per application plus \$135.00 per hour spent processing the application after the first 30 minutes	\$67.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
3	Application for registration of an amended custom food control plan due to a significant amendment	\$270.00 per application plus \$135.00 per hour spent processing the application after the first 2 hours	\$270.00 payable by the applicant on application for registration and any remainder payable within 20 working days of receipt of written demand for payment
4	Not-significant amendment of custom food control plans	\$67.50 per notification of amendment plus \$135.00 per hour spent processing the notification after the first 30 minutes	\$67.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
5	Amendment to custom food control plans for a significant change in circumstances	\$135.00 per notification of amendment plus \$135.00 per hour spent processing the notification after the first hour	\$135.00 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
6	Voluntary suspension of registered custom food control plans	\$67.50 per notification of suspension plus \$135.00 per hour spent processing the notification after the first 30 minutes	\$67.50 payable by the applicant on notification of suspension and any remainder payable within 20 working days of receipt of written demand for payment
7	Application for registration of food control plans based on an approved template or model	\$168.75 per application plus \$135.00 per hour spent processing the application after the first 1 hour and 15 minutes	\$168.75 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

	<b>Service area</b>	<b>Fee or charge</b>	<b>When fee or charge payable and by whom</b>
8	Application for registration of food control plans based on a template or model issued by the chief executive	\$168.75 per application plus \$135.00 per hour spent processing the application after the first 1 hour and 15 minutes	\$168.75 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
9	Application for renewal of registration of food control plans based on an approved template or model	\$67.50 per application plus \$135.00 per hour spent processing the application after the first 30 minutes	\$67.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
10	Application for renewal of registration of food control plans based on a template or model issued by the chief executive	\$67.50 per application plus \$135.00 per hour spent processing the application after the first 30 minutes	\$67.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
11	Application for registration of an amended food control plan based on an approved template or model due to a significant amendment	\$135.00 per application plus \$135.00 per hour spent processing the application after the first hour	\$135.00 payable by the applicant on application for registration and any remainder payable within 20 working days of receipt of written demand for payment
12	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	\$135.00 per application plus \$135.00 per hour spent processing the application after the first hour	\$135.00 payable by the applicant on application for registration and any remainder payable within 20 working days of receipt of written demand for payment
13	Not-significant amendment of food control plans based on an approved template or model	\$67.50 per notification of amendment plus \$135.00 per hour spent processing the notification after the first 30 minutes	\$67.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
14	Not-significant amendment of food control plans based on a template or model issued by the chief executive	\$67.50 per notification of amendment plus \$135.00 per hour spent processing the notification after the first 30 minutes	\$67.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
15	Amendment to food control plans based on an approved template for a significant change in circumstances	\$67.50 per notification of amendment plus \$135.00 per hour spent processing the notification after the first 30 minutes	\$67.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
16	Amendment to food control plans based on a template or model issued by the chief executive for a significant change in circumstances	\$67.50 per notification of amendment plus \$135.00 per hour spent processing the notification after the first 30 minutes	\$67.50 payable by the applicant on notification of amendment 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>
17	Voluntary suspension of a registered food control plan based on an approved template or model	\$67.50 per notification of suspension plus \$135.00 per hour spent processing the notification after the first 30 minutes	\$67.50 payable by the applicant on notification of suspension and any remainder payable within 20 working days of receipt of written demand for payment
18	Voluntary suspension of a registered food control plan based on a template or model issued by the chief executive	\$67.50 per notification of suspension plus \$135.00 per hour spent processing the notification after the first 30 minutes	\$67.50 payable by the applicant on notification of suspension and any remainder payable within 20 working days of receipt of written demand for payment
19	Application for, assessment of, and registration of a business subject to a national programme	\$101.25 per application plus \$135.00 per hour spent processing the application after the first 45 minutes	\$101.25 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
20	Application for renewal of registration of a business subject to a national programme	\$67.50 per application plus \$135.00 per hour spent processing the application after the first 30 minutes	\$67.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
21	Amendment to registration of a business subject to a national programme because of a significant change in circumstances	\$67.50 per notification of amendment plus \$135.00 per hour spent processing the notification after the first 30 minutes	\$67.50 payable by the applicant on notification of amendment and any remainder payable within 20 working days of receipt of written demand for payment
22	Voluntary suspension of registration of a business subject to a national programme	\$67.50 per notification of suspension plus \$135.00 per hour spent processing the notification after the first 30 minutes	\$67.50 payable by the applicant on notification of suspension and any remainder payable within 20 working days of receipt of written demand for payment
23	Application for, evaluation of, and registration as an importer of food	\$101.25 per application plus \$135.00 per hour spent processing the application after the first 45 minutes	\$101.25 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
24	Application for renewal of registration as an importer of food	\$67.50 per application plus \$135.00 per hour spent processing the application after the first 30 minutes	\$67.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
25	Amendment to registration of an importer of food because of a significant change in circumstances	\$67.50 per notification of amendment plus \$135.00 per hour spent processing the notification after the first 30 minutes	\$67.50 payable by the applicant on notification of amendment 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>
26	Voluntary suspension of registration as an importer of food	\$67.50 per notification of suspension plus \$135.00 per hour spent processing the notification after the first 30 minutes	\$67.50 payable by the applicant on notification of suspension and any remainder payable within 20 working days of receipt of written demand for payment
27	Application for, assessment of, and granting of an exemption	\$135.00 per application plus \$135.00 per hour spent processing the application after the first hour	\$135.00 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>		
28	Application for approval of laboratories	\$168.75 per application plus \$135.00 per hour spent processing the application after the first 1 hour and 15 minutes	\$168.75 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
29	Application for renewal of a laboratory approval	\$67.50 per application plus \$135.00 per hour spent processing the application after the first 30 minutes	\$67.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
30	Application to amend the details of a laboratory approval (between renewals)	\$67.50 per application plus \$135.00 per hour spent processing the application after the first 30 minutes	\$67.50 payable by the applicant on application for approval and any remainder payable within 20 working days of receipt of written demand for payment
31	Application for, assessment of, and approval of a template or model under section 40 of the Act	\$135.00 per application plus \$135.00 per hour spent processing the application after the first hour	\$135.00 payable by the applicant on application for approval and any further amounts payable within 20 working days of receipt of written demand for payment
32	Application for renewal of approval of a template or model under section 40 of the Act	\$135.00 per application plus \$135.00 per hour spent processing the application after the first hour	\$135.00 payable by the applicant on application for renewal and any further amounts payable within 20 working days of receipt of written demand for payment
33	Application for approval of an amended template or model under section 40 of the Act	\$135.00 per application plus \$135.00 per hour spent processing the application after the first hour	\$135.00 payable by the applicant on application for approval and any further amounts payable within 20 working days of receipt of written demand for payment
34	Application for approval under section 291 of the Act to meet a requirement of the Act (except a requirement for a laboratory approval)	\$67.50 per application plus \$135.00 per hour spent processing the application after the first 30 minutes	\$67.50 payable by the applicant on application for approval 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>
35	Application for renewal of an approval under section 291 of the Act	\$67.50 per application plus \$135.00 per hour spent processing the application after the first 30 minutes	\$67.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
36	Application to amend the details of an approval under section 291 of the Act (between renewals)	\$67.50 per application plus \$135.00 per hour spent processing the application after the first 30 minutes	\$67.50 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>		
37	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	\$168.75 per application plus \$135.00 per hour spent processing the application after the first 1 hour and 15 minutes	\$168.75 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
38	Application for renewal of recognition of an agency, a person, or a class of persons	\$67.50 per application plus \$135.00 per hour spent processing the application after the first 30 minutes	\$67.50 payable by the applicant on application for renewal and any remainder payable within 20 working days of receipt of written demand for payment
39	Application to amend the details of recognition of an agency, a person, or a class of persons (between renewals)	\$67.50 per application plus \$135.00 per hour spent processing the application after the first 30 minutes	\$67.50 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>		
40	Verification, inspection, and audit	\$135.00 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>		
41	Issue of improvement notice, including development of the notice, by a food safety officer	\$135.00 per notice plus \$135.00 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
42	Application for review of issue of improvement notice	\$135.00 per application plus \$135.00 per hour spent processing the application after the first hour	\$135.00 payable by the applicant on application for review and any remainder payable within 20 working days of receipt of written demand for payment
43	Application for, compilation of, and issue of statement of compliance	\$135.00 per application plus \$135.00 per hour spent processing the application after the first hour	\$135.00 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

	<b>Service area</b>	<b>Fee or charge</b>	<b>When fee or charge payable and by whom</b>
44	Issue of food recall direction by chief executive	\$135.00 per direction plus \$135.00 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>		
45	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
46	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>		
47	Application under section 53(3)(b) of the Act for a waiver of the requirement for a custom food control plan to be evaluated	\$303.75 per application plus \$135.00 per hour spent processing the application after the first 2 hours and 15 minutes	\$303.75 payable by the applicant on application for registration and any remainder payable within 20 working days of receipt of written demand for payment

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 2019, amend the Food (Fees and Charges) Regulations 2015 (the **principal regulations**). These regulations—

- prescribe new fees and charges set out in *new Part 2* of the Schedule of the principal regulations; and
- replace the provisions enabling exemptions from, and waivers and refunds of, fees and charges with provisions that—
  - are to the same effect (*see new regulations 4 and 5*); but
  - will be revoked on 30 June 2024.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 30 May 2019.

These regulations are administered by the Ministry for Primary Industries.