



## **Animal Products (Fees, Charges, and Levies) Amendment Regulations 2008**

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 26th day of May 2008

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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### **Regulations**

- 1 **Title**  
These regulations are the Animal Products (Fees, Charges, and Levies) Amendment Regulations 2008.

## 2 Commencement

These regulations come into force on 1 July 2008.

## 3 Principal regulations amended

These regulations amend the Animal Products (Fees, Charges, and Levies) Regulations 2007.

## 4 Schedule 1 amended

- (1) Paragraphs (a) and (c) of the definition of **appropriate percentage** in clause 1 of Part 6 of Schedule 1 are revoked.
- (2) Schedule 1 is amended by revoking Part 7 and substituting the Part 7 set out in the Schedule of these regulations.

## 5 Schedule 2 amended

- (1) Schedule 2 is amended by revoking clause 2 and substituting the following clause:

2 *Annual levies for fish*

- |     |   |  |
|-----|---|--|
| (a) | primary processors of fish other than bivalve molluscan shellfish | \$0.42 per tonne of fish (other than bivalve molluscan shellfish) processed (if an operator processes only for consumption in New Zealand); or<br>\$0.82 per tonne of fish (other than bivalve molluscan shellfish) processed (if an operator processes wholly or partly for export) |
| (b) | primary processors of bivalve molluscan shellfish                 | \$3.88 per tonne of bivalve molluscan shellfish processed (if an operator processes only for consumption in New Zealand); or<br>\$5.65 per tonne of bivalve molluscan shellfish processed (if an operator processes wholly or partly for export)                                     |

- (2) Clause 4 of Schedule 2 is revoked.
- (3) Clause 5(a) of Schedule 2 is revoked and the following paragraph substituted:

(a)	annual levy for bee products	\$258 per annum*	\$577.50 per annum <sup>1</sup>
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**Schedule**  
**New Part 7 of Schedule 1 substituted in principal regulations**

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**Part 7**  
**NZFSA verification charges**

**Notes**

- 1 The charges set out in this Part apply where any verification function under the Animal Products Act 1999 is carried out by an officer or employee of the Authority.
- 2 The charges set out in this Part that are determined on an hourly basis are exclusive of goods and services tax, and goods and services tax on these charges will be added to the total invoice.
- 3 In this Part,—
  - after-hours callout charges** refer to charges payable for hours where a veterinary or non-veterinary verifier performs verification functions at any place or premises outside normal agreed hours of work, and are chargeable for those hours in substitution for any establishment or circuit charges
  - Authority** means the New Zealand Food Safety Authority
  - breakfast shift** refers to the situation where the verification functions carried out by a verifier in any day are commenced before 6 am
  - circuit charges** refer to charges payable in respect of any place or premises where the verification functions are performed by Authority verifiers who are not permanently or semi-permanently based at the place or premises
  - disestablishment charges** means the charges payable in respect of the disestablishment of the position of a veterinary verifier due to the closure of an operator's premises or the reduction of operations at those premises
  - double time** refers to overtime hours worked by a verifier for which the verifier is entitled, by his or her employment contract, to double time rates
  - establishment charges** refer to charges payable in respect of any place or premises where the verification functions are performed by Authority verifiers who are permanently or semi-permanently based at the place or premises
  - non-veterinary verifier** means a verifier who is not a veterinarian registered under the Veterinarians Act 2005
  - penal rate 0.5** means the rate per hour of the first 3 hours of penal time worked by an employee during the period between—
    - (a) midnight at the end of Friday; and
    - (b) midday Saturday

**penal rate 1.0** means the rate for every hour of penal time worked by an employee other than hours to which penal rate 0.5 applies

**penal time** refers to hours worked by a verifier for which the verifier is entitled, by his or her contract of employment, to penal rates, being hours (other than overtime) worked within a 40-hour week on a Saturday, Sunday, or statutory holiday

**reserve rate** refers to the rate for hours worked by a reserve verifier

**reserve verifier** means a temporary veterinary verifier or supervising veterinary verifier who undertakes the work of an establishment verifier while that verifier is on annual leave or is otherwise absent on a temporary basis

**shift rates** refers to the rates applicable to the case where a verifier is entitled, by his or her employment contract, to extra remunerations for working shifts

**supervising veterinary verifier** means a veterinary verifier who has prime responsibility for the verification functions at a place or premises

**time and a half, or 1½ time**, refers to overtime hours worked by a verifier for which the verifier is entitled, by his or her employment contract, to time and a half rates

**veterinary verifier** means a verifier who is a veterinarian registered under the Veterinarians Act 2005.

<b>1</b>	<b>Establishment charge</b>	
A	<i>Basic hourly charge on export and game sectors</i>	
	For each hour normal time (but not penal time hours or 1½ or double time hours) spent by a verifier in verification functions	\$36.84
B	<i>Hourly charges for verifiers</i>	
	Veterinary verifier—	
	(a) non-shift rates—	
	per hour	\$65.41
	per hour at 1½ time	\$79.82
	per hour at double time	\$106.43
	(b) shift rates	the relevant rate specified in paragraph (a), plus an additional rate of—
		(i) \$30.00 per shift per verifier for evening shift
		(ii) \$41.00 per shift per verifier for night shift
	(c) penal rates	the relevant rates specified in paragraphs (a) and (b), plus an additional rate of—
		(i) \$26.61 per hour per verifier for penal time worked at penal rate 0.5
		(ii) \$53.22 per hour per verifier for penal time worked at penal rate 1.0

	(d)	reserve rate	\$53.22 per hour for each hour worked by a reserve verifier
(2)		Supervising veterinary verifier—	
	(a)	non-shift rates—	
		per hour	\$69.76
		per hour at 1½ time	\$86.36
		per hour at double time	\$115.14
	(b)	shift rates	the relevant rate specified in paragraph (a), plus an additional rate of—
		(i)	\$30.00 per shift per verifier for evening shift
		(ii)	\$41.00 per shift per verifier for night shift
	(c)	penal rates	the relevant rate specified in paragraphs (a) and (b), plus an additional rate of—
		(i)	\$28.79 per hour per verifier for penal time worked at penal rate 0.5
		(ii)	\$57.57 per hour per verifier for penal time worked at penal rate 1.0
	(d)	reserve rate	\$57.57 per hour for each hour worked by a reserve verifier
<b>2</b>		<b>Circuit charge</b>	
A		<i>Basic hourly charge on primary processors who slaughter or dress animals other than fish</i>	
		Charge for each hour spent by a verifier in verification function for animals other than fish	\$24.13 per hour
B		<i>Basic hourly charge on secondary processors (other than processors of fish and operators of coolstores or other storage premises)</i>	
		Charge for each hour spent by a verifier in verification function	\$24.13 per hour
C		<i>Annual charge for coolstores or other storage premises, and for processors of fish</i>	
		(to be pro-rated on a monthly basis where verification contract for less than a full year)	
	(a)	coolstores or other storage premises, per coolstore or other premises	\$1,078.00 per annum
	(b)	primary processing (including on a fishing vessel) of fish other than bivalve molluscan shellfish	\$538.00 per annum
	(c)	primary processing of bivalve molluscan shellfish	\$1,517.00
D		<i>Monthly charge for fishing vessels</i>	
		Charge per vessel (in addition to any relevant charge under item C)	\$20.35
E		<i>Hourly charges for verifiers</i>	
		(for all verification activities)	
(1)		non-veterinary verifier—	
	(a)	non-penal rates—	

	per hour (excluding seafood and cool-store premises)	\$87.25
	per hour for seafood and coolstores premises	\$87.25
	per hour at 1½ time	\$121.61
	per hour at double time	\$162.15
(b)	penal rates	the relevant rate specified in paragraph (a), plus an additional rate of—
	(i)	\$55.69 per hour per verifier for penal time worked at penal rate 0.5
	(ii)	\$81.07 per hour per verifier for penal time worked at penal rate 1.0
(2)	veterinary verifier—	
(a)	non-penal rates—	
	per hour (excluding seafood and cool-store premises)	\$87.25
	per hour for seafood and coolstores premises	\$87.25
	per hour at 1½ time	\$121.61
	per hour at double time	\$162.15
(b)	penal rates	the relevant rate specified in paragraph (a), plus an additional rate of—
	(i)	\$55.69 per hour per verifier for penal time worked at penal rate 0.5
	(ii)	\$81.07 per hour per verifier for penal time worked at penal rate 1.0
<b>3</b>	<b>After-hours callout charge</b>	
A	<i>Minimum charge</i>	
	Minimum charge for any individual after-hours callout, however long	charge for 3 hours at the relevant rate under item B (plus flat rate \$8.70 breakfast shift charge, if applicable)
B	<i>Hourly charges for verifiers</i>	
(a)	per hour	\$75.00 (plus flat rate \$8.70 breakfast shift charge, if applicable)
(b)	per hour at 1½ time	\$125.00 (plus flat rate \$8.70 breakfast shift charge, if applicable)
(c)	per hour at double time	\$150.00 (plus flat rate \$8.70 breakfast shift charge, if applicable)
<b>4</b>	<b>Disestablishment charges</b>	
A	<i>Where veterinary verifier employed by operator for less than 12 months</i>	
	Either—	
(a)	the actual cost of transfer or relocation; or	
(b)	the actual cost of retraining; or	
(c)	the actual cost of the matters specified in paragraphs (a) and (b), if both are applicable; or	
(d)	the lesser of—	

- (i) the actual cost of redundancy; or
- (ii) the amount derived by multiplying the total ordinary pay during the period employed by 0.04165—

but in no case is the charge under paragraph (a), (b), (c), or (d) to exceed \$55,000.

**B** *Where veterinary verifier employed by operator for 12 months or more*

Either—

- (a) the actual cost of transfer or relocation; or
- (b) the actual cost of retraining; or
- (c) the actual cost of the matters specified in paragraphs (a) and (b), if both are applicable; or
- (d) the lesser of—
  - (i) the actual cost of redundancy; or
  - (ii) an amount calculated using the following formula:

$$(a \times 0.08) + (a \times 0.04)(b - 1) + (a \times c \times 0.0333) + (da)$$

where—

- a is the veterinary verifier's total ordinary pay for the immediately preceding 12 months
- b is the lesser of 19 or the number of completed years of employment with the operator
- c is any completed months of employment in respect of an additional period of employment with the operator of less than 12 months
- d is—
  - 0.10 if the period of employment completed is 1 year or more but not more than 3 years
  - 0.20 if the period of employment completed is more than 3 years but not more than 5 years
  - 0.29165 if the period of employment completed is more than 5 years

but in no case is the charge under paragraph (a), (b), (c), or (d) to exceed \$55,000.

Martin Bell,  
for 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 2008, amend the fees, charges, and levies payable under Schedules 1 and 2 of the Animal Products (Fees, Charges, and Levies) Regulations 2007.

Schedule 1 is amended by—

- revoking 2 paragraphs in the definition of appropriate percentage in Part 6; and
- substituting a *new Part 7*, which specifies verification charges. The substituted Part increases a number of charges and contains new disestablishment charges

payable when an operator downsizes or closes premises, resulting in a veterinarian verifier's position being disestablished.

Schedule 2 is amended by—

- providing, in relation to annual levies for fish, for differential levies per tonne, depending on whether an operator processes only for consumption in New Zealand, or wholly or partly for export; and
- revoking the monthly levy for fishing vessels; and
- substituting a differential annual levy for bee products depending on whether an operator processes only for consumption in New Zealand or wholly or partly for export.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 29 May 2008.

These regulations are administered by the New Zealand Food Safety Authority.