



## **Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024**

Cindy Kiro, Governor-General

### **Order in Council**

At Wellington this 27th day of May 2024

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 117 and 166 of the Animal Products Act 1999—

- (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 113 and 115 of that Act have been met.

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## Regulations

### 1 Title

These regulations are the Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2024.

### 2 Commencement

These regulations come into force on 1 July 2024.

### 3 Principal regulations

These regulations amend the Animal Products (Dairy Industry Fees, Charges, and Levies) Regulations 2015.

### 4 Schedule amended

- (1) In the Schedule, Part 1, under the heading “*Official assurances*”, after the second item, insert:

Application to re-establish eligibility for export with an official assurance under the Animal Products Notice: Official Assurance Requirements, dated 20 September 2023, or any replacement notice	\$135 per application plus assessment charge on an hourly basis after the first 60 minutes as specified in Part 2	Applicant
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- (2) In the Schedule, Part 7, after clause 2, insert:

- 2A Costs specified in this Part as an hourly charge or rate must be calculated by—
- adding together the total number of 15-minute units spent by an officer or employee of the Ministry on a verification function; and
  - multiplying the total number of units by 25% of the applicable hourly charge or rate.
- 2B However, if the amount calculated under clause 2A is less than a minimum charge specified in item 3 of the table, the charge payable is the minimum charge.

- (3) In the Schedule, Part 7, clause 3, insert in their appropriate alphabetical order:

**Ministry holiday** means a day designated by the Director-General as a Ministry holiday and notified on a publicly accessible internet site maintained by or on behalf of the Ministry

**normal time** means time worked by a verifier, excluding time worked—

- at time and a half; or
- at double time; or
- at penal time; or

- (d) on an after-hours call-out  
**public holiday** has the meaning given by section 44 of the Holidays Act 2003
- (4) In the Schedule, Part 7, clause 3, replace the definition of **after-hours call-out charges** with:
- after-hours call-out** means circumstances in which a veterinary or non-veterinary verifier, having left a place or premises, has been recalled to duty for the purpose of carrying out a verification function outside of that verifier's normal hours of work
- (5) In the Schedule, Part 7, clause 3, definition of **penal rate 0.5**, replace paragraph (a) with:
- (a) if a shift starts before midnight and continues after midnight, the rate per hour of penal time worked by an employee during the period between midnight and 2 am Monday to Friday (on a day other than a public holiday or Ministry holiday); and
- (6) In the Schedule, Part 7, clause 3, definition of **penal rate 1.0**, paragraph (c), replace "statutory holiday" with "public holiday or Ministry holiday".
- (7) In the Schedule, Part 7, clause 3, definition of **penal rate 2.0**, replace "statutory holiday" with "public holiday or Ministry holiday".
- (8) In the Schedule, Part 7, clause 3, definition of **penal time**, replace "statutory holiday" with "public holiday or Ministry holiday".
- (9) In the Schedule, Part 7, table, replace items 1 to 3 with the items 1 to 3 set out in the Schedule of these regulations.

## Schedule

### Items 1 to 3 of table in Part 7 of Schedule replaced

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<b>1</b>	<b>Establishment charge</b>	
A	<i>Basic hourly charge on export and game sectors</i>	
	For each hour at normal time spent by a verifier in verification functions	\$48.35
B	<i>Hourly charges for verifiers</i>	
(1)	Veterinary verifier—	
	(a) non-shift rates—	
	per hour at normal time	the basic hourly charge specified in item A, plus an additional rate of \$79.80 per verifier per hour working at normal time
	per hour at 1½ time	\$168.05
	per hour at double time	\$207.95
	(b) shift rates	the relevant rate specified in paragraph (a), plus an additional rate of—
		(i) \$45.00 per shift per verifier for evening shift
		(ii) \$45.00 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) \$39.90 per hour per verifier for penal time worked at penal rate 0.5
		(ii) \$79.80 per hour per verifier for penal time worked at penal rate 1.0
		(iii) \$159.60 per hour per verifier for penal time worked at penal rate 2.0
	(d) reserve rate	the basic hourly charge specified in item A, plus an additional rate of \$79.80 per hour per reserve verifier
	(e) after-hours call-outs (other than on public holidays or Ministry holidays)	\$149.18 per hour per verifier working at 1½ time (plus flat rate of \$8.70 breakfast shift charge, if applicable)
		\$182.79 per hour per verifier working at double time (plus flat rate of \$8.70 breakfast shift charge, if applicable)
	(f) after hours call-outs (on public holidays or Ministry holidays)	\$115.57 per hour per verifier, plus \$537.77 per day per verifier
(2)	Supervising veterinary verifier—	
	(a) non-shift rates—	
	per hour at normal time	the basic hourly charge specified in item A, plus an additional rate of \$88.10

		per verifier per hour working at normal time
	per hour at 1½ time	\$180.50
	per hour at double time	\$224.55
(b)	shift rates	the relevant rate specified in paragraph (a), plus an additional rate of—
		(i) \$45.00 per shift per verifier for evening shift
		(ii) \$45.00 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) \$44.00 per hour per verifier for penal time worked at penal rate 0.5
		(ii) \$88.10 per hour per verifier for penal time worked at penal rate 1.0
		(iii) \$176.20 per hour per verifier for penal time worked at penal rate 2.0
(d)	reserve rate	the basic hourly charge specified in item A, plus an additional rate of \$88.10 per hour per reserve verifier
(e)	after-hours call-outs (other than on public holidays or Ministry holidays)	\$169.08 per hour per verifier working at 1½ time (plus flat rate of \$8.70 breakfast shift charge, if applicable)
		\$209.32 per hour per verifier working at double time (plus flat rate of \$8.70 breakfast shift charge, if applicable)
(f)	after-hours call-outs on public holidays or Ministry holidays	\$128.84 per hour per verifier, plus \$643.91 per day per verifier
<b>2</b>	<b>Circuit charge</b>	
	<i>Hourly charges for verifiers for all verification activities</i>	
	Verifier—	
(a)	non-penal rates	\$206.70 per hour per verifier working at normal time
		\$250.62 per hour per verifier working at 1½ time
		\$294.54 per hour per verifier working at double time
(b)	penal rates	the relevant rate specified in paragraph (a), plus an additional rate of—
		(i) \$43.92 per hour per verifier for penal time worked at penal rate 0.5
		(ii) \$87.84 per hour per verifier for penal time worked at penal rate 1.0

		(iii)	\$175.68 per hour per verifier for penal time worked at penal rate 2.0
(c)	after-hours call-outs (other than on public holidays or Ministry holidays)		\$217.68 per hour per verifier working at 1½ time (plus flat rate \$8.70 breakfast shift charge, if applicable) \$250.62 per hour per verifier working at double time (plus flat rate \$8.70 breakfast shift charge, if applicable)
(d)	after-hours call-outs on public holidays or Ministry holidays		\$184.74 per hour per verifier, plus \$527.05 per day per verifier
<b>3</b>	<b>Minimum charges for call-outs</b>		
A	<i>Minimum charge for after-hours call-outs (other than on public holidays or Ministry holidays)</i> If a verifier is required to attend an after-hours call-out (other than on a public holiday or Ministry holiday), the minimum charge payable is 3 hours at the applicable hourly rate under item 1B(1)(e) or (2)(e) or item 2(c), plus flat rate of \$8.70 breakfast shift (if applicable)		
B	<i>Minimum charge for after-hours call-outs on public holidays or Ministry holidays</i> If a verifier is required to attend an after-hours call-out on a public holiday or Ministry holiday, the minimum charge payable is 3 hours at the applicable hourly rate under item 1B(1)(f) or (2)(f) or item 2(d), plus the applicable daily rate under those items		

Nicola Purvis,  
Acting 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 2024, amend the Animal Products (Dairy Industry Fees, Charges, and Levies) Regulations 2015 (the **principal regulations**). The principal regulations set out fees and charges for the performance or exercise of functions, powers, or duties required to be undertaken by the Ministry for Primary Industries (the **Ministry**) under the Animal Products Act 1999 (the **Act**) and associated regulations or notices in relation to dairy processing operations or premises, and the export of dairy material or dairy product. These regulations amend the rates at which the Ministry recovers costs from the dairy industry for a range of services it provides to the industry. The principal regulations are regularly reviewed to ensure that revenue from those services matches their cost, and to ensure that the regulations remain consistent with cost-recovery principles.

These regulations amend Part 7 of the Schedule of the principal regulations to—

- introduce a charge for an application to re-establish eligibility for export with an official assurance under the Animal Products Notice: Official Assurance Requirements, dated 20 September 2023, or any replacement notice; and

- define Ministry holiday, normal time, public holiday, and after-hours call-out, and update the various penal rates to include Ministry holidays and public holidays; and
- clarify that hourly charges and rates are calculated based on 15-minute units over any minimum charges; and
- adjust various rates for establishment charges, circuit charges, and minimum call-out charges for verifiers performing functions under the Act, so as to better reflect the cost of those things to the Ministry, and remove anomalies; and
- extend the existing regime for after-hours call-outs to provide for higher costs to apply to work carried out on public holidays, so that it also applies to work carried out on designated Ministry holidays (typically, 3 weekdays between Boxing Day and New Year's Day); and
- expand the Ministry's ability to recover penal costs for work carried out on a Ministry holiday in the same way they can be recovered for work carried out on a public holiday.

### **Regulatory impact statement**

The Ministry for Primary Industries produced a cost recovery impact statement on 4 April 2024 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this cost recover impact statement can be found at—

- <https://www.mpi.govt.nz/legal/regulatory-impact-statements/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 30 May 2024.

These regulations are administered by the Ministry for Primary Industries.