



Animal Welfare (Cost Recovery) 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 section 183 of the Animal Welfare Act 1999—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Agriculture given in accordance with sections 182 and 184 of that Act.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations	2
4 Regulation 3 amended (Interpretation)	2
5 New regulation 4A inserted (Hourly rate charges)	3
4A Hourly rate charges	3
6 New regulation 5A inserted (Missed appointment charges)	3
5A Missed appointment charges	3
7 Schedule amended	4
Schedule	6
Part 2 of Schedule replaced	

Regulations

1 Title

These regulations are the Animal Welfare (Cost Recovery) Amendment Regulations 2024.

2 Commencement

These regulations come into force on 1 July 2024.

3 Principal regulations

These regulations amend the Animal Welfare (Cost Recovery) Regulations 2015.

4 Regulation 3 amended (Interpretation)

- (1) In regulation 3, insert in their appropriate alphabetical order:

call-out means circumstances in which a veterinarian, having left a place or premises, has been recalled to duty for the purpose of undertaking an activity outside of the veterinarian's normal hours of work

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

penal time—

- (a) means time worked by a person during a 40-hour week from Monday to Sunday, or on a public holiday or Ministry holiday, for which the person is entitled by their employment agreement or any other agreement with the Ministry to penal rates; but
- (b) excludes time worked at time and a half or double time, except as provided for in paragraph (c) of the definition of penal time worked at penal rate 1.0

penal time worked at penal rate 0.5 means either of the following:

- (a) penal time worked between midnight and 2 am on a weekday (except on a public holiday or Ministry holiday) as part of a rostered period of work starting the previous day:
- (b) the first 3 hours of penal time worked between midnight and midday on a Saturday (except on a public holiday or Ministry holiday)

penal time worked at penal rate 1.0 means any of the following:

- (a) penal time worked between 2 am and 6 am on a weekday as part of a rostered period of work starting the previous day:
- (b) penal time worked on a Saturday or Sunday, except penal time worked at penal rate 0.5:
- (c) penal time worked on a public holiday or Ministry holiday:

- (d) penal time, other than the first hour, worked during the 6-hour period from midnight to 6 am on a weekday as part of a rostered period of work starting during that 6-hour period:
- (e) the first hour (or part-hour) of penal time that is worked—
 - (i) at double time; and
 - (ii) on a Saturday or Sunday as part of a rostered period of work starting between midnight and 6 am

penal time worked at penal rate 2.0 means the first hour (or part-hour) of penal time worked during the 6-hour period from midnight to 6 am on a weekday (except on a public holiday or Ministry holiday) as part of a rostered period of work starting during that 6-hour period

- (2) In regulation 3, definition of **standard working hours**, replace paragraph (b) with:
 - (b) a public holiday or Ministry holiday

5 New regulation 4A inserted (Hourly rate charges)

After regulation 4, insert:

4A Hourly rate charges

- (1) Charges specified in these regulations as payable at an hourly rate must be calculated by—
 - (a) adding together the total number of 15-minute units spent on the matter concerned; and
 - (b) multiplying the total number of units by 25% of the applicable hourly rate.
- (2) However, if the amount calculated under subclause (1) for a call-out is less than the minimum charge specified in subpart 3 of Part 2 of the Schedule, the amount payable is the minimum charge.

6 New regulation 5A inserted (Missed appointment charges)

After regulation 5, insert:

5A Missed appointment charges

- (1) A missed appointment charge of \$46.575 is payable for failing to make use of a scheduled booking with a veterinarian for a service without contacting the Ministry beforehand to cancel it.
- (2) The charge is payable—
 - (a) by the person, specified in the third column of Part 1 of the Schedule, responsible for paying the costs of the service; and
 - (b) in addition to any other costs required to be paid under these regulations.
- (3) The charge becomes payable at the time the appointment is missed.

(4) The charge is exclusive of goods and services tax.

7 Schedule amended

Amendments to Part 1 of Schedule

(1) In the Schedule, Part 1, replace item 1 with:

1	Application under section 42 of the Act for an animal welfare export certificate, including any time worked by a veterinarian employed or engaged by the Ministry carrying out specialist functions or activities to support the application	\$46.575 per application Plus— (a) charge at an hourly rate after the first 15 minutes, as specified in subpart 1 of Part 2, if time worked during standard working hours: (b) charge at an hourly rate, as specified in subpart 2 of Part 2, if time worked outside standard working hours (other than time worked by a veterinarian on a call-out): (c) call-out charge at an hourly rate plus any applicable daily rate, as specified in subpart 3 of Part 2, if time worked by a veterinarian on a call-out	The applicant
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(2) In the Schedule, Part 1, replace item 1B with:

1B	Veterinarians undertaking specialist functions and activities necessary for the export of live animals outside of standard working hours, other than to support an application under section 42 of the Act	All of the following— (a) charge at an hourly rate, as specified in subpart 1 of Part 2, if time worked during standard working hours: (b) charge at an hourly rate, as specified in subpart 2 of Part 2, if time worked outside standard working hours (other than time worked by a veterinarian on a call-out):	The exporter
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- (c) call-out charge at an hourly rate plus any applicable daily charge, as specified in subpart 3 of Part 2, if time worked by a veterinarian on a call-out

- (3) In the Schedule, Part 1, item 2, replace all the text in the second column with:

\$67.50

Plus—

- (a) charge at an hourly rate after the first 30 minutes, as specified in subpart 1 of Part 2, if time worked during standard working hours:
- (b) charge at an hourly rate, as specified in subpart 2 of Part 2, if time worked outside standard working hours

Part 2 of Schedule replaced

- (4) In the Schedule, replace Part 2 with the Part 2 set out in the Schedule of these regulations.

Amendment to Part 3 of Schedule

- (5) In the Schedule, Part 3, clause 3, replace “a fee of \$155 per hour is payable, in 15-minute increments, by” with “a fee at an hourly rate of \$155 is payable by”.

Schedule

Part 2 of Schedule replaced

r 7(4)

Part 2

Hourly and daily charges

Subpart 1—Charges for time worked during standard working hours

The hourly rates for time worked during standard working hours are—

Category	Hourly rate
(a) for time worked during standard working hours by a person employed or engaged by the Ministry under item 1 or 1B in Part 1 of this schedule	\$186.30
(b) for time worked during standard working hours by a person employed or engaged by the Ministry under item 2 in Part 1 of this schedule	\$135.00

Subpart 2—Charges for time worked outside standard working hours (other than call-outs)

The hourly rates for time worked outside of standard working hours (other than call-outs) are—

Category	Hourly rate
(a) for time worked at time and a half by a person employed or engaged by the Ministry under item 1, 1B, or 2 in Part 1 of this schedule	\$198.89
(b) for time worked at double time by a person employed or engaged by the Ministry under item 1, 1B, or 2 in Part 1 of this schedule	\$236.67
(c) for penal time worked at penal rate 0.5 by a veterinarian employed or engaged by the Ministry under item 1 or 1B in Part 1 of this schedule	the relevant hourly rate in item (a) or (b), plus an additional hourly rate of \$39.90
(d) for penal time worked at penal rate 1.0 by a veterinarian employed or engaged by the Ministry under item 1 or 1B in Part 1 of this schedule	the relevant hourly rate in item (a) or (b), plus an additional hourly rate of \$79.80
(e) for penal time worked at penal rate 2.0 by a veterinarian employed or engaged by the Ministry under item 1 or 1B in Part 1 of this schedule	the relevant hourly rate in item (a) or (b), plus an additional hourly rate of \$159.60

Subpart 3—Call-out charges

- 1 Call-out charges are calculated by adding together—
- (a) the total hourly charge, based on time spent at the applicable hourly rates set out in clause 3; and
 - (b) any applicable daily charge set out in clause 3.

- 2 The minimum charge for a call-out is calculated by adding together—
- (a) a charge for 3 hours of time at the applicable hourly rate set out in clause 3; and
 - (b) any applicable daily charge set out in clause 3.

3 The hourly and daily rates for call-outs are—

Category	Hourly or daily rate
(a) for time worked at time and a half by a veterinarian employed or engaged by the Ministry under item 1 or 1B in Part 1 of this schedule	hourly rate of \$198.89
(b) for time worked at double time by a veterinarian employed or engaged by the Ministry under item 1 or 1B in Part 1 of this schedule	hourly rate of \$236.67
(c) for time worked on a public holiday or Ministry holiday by a veterinarian employed or engaged by the Ministry under item 1 or 1B in Part 1 of this schedule	hourly rate of \$161.11 daily rate of \$604.44
(d) for penal time worked at penal rate 0.5 by a veterinarian employed or engaged by the Ministry under item 1 or 1B in Part 1 of this schedule	the relevant hourly rate in item (a), (b) or (c), plus an additional hourly rate of \$39.90
(e) for penal time worked at penal rate 1.0 by a veterinarian employed or engaged by the Ministry under item 1 or 1B in Part 1 of this schedule	the relevant hourly rate in item (a), (b) or (c), plus an additional hourly rate of \$79.80
(f) for penal time worked at penal rate 2.0 by a veterinarian employed or engaged by the Ministry under item 1 or 1B in Part 1 of this schedule	the relevant hourly rate in item (a), (b) or (c), plus an additional hourly rate of \$159.60

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 Welfare (Cost Recovery) Regulations 2015 (the **principal regulations**). The principal regulations set out charges for the performance or exercise of functions, duties, or powers required to be undertaken under the Animal Welfare Act 1999.

The amendment regulations—

- adjust some of the charges for work done at time and a half, double time, and on call-outs, so as to better reflect the cost of those things to the Ministry for

Primary Industries (the **Ministry**), remove anomalies, and correct for past over-recovery of costs (*regulation 7(1) to (4)*):

- clarify that all costs specified at an hourly rate are payable in 15-minute increments (*regulations 5 and 7(5)*):
- introduce a charge of \$46.575 for failing to make use of a scheduled booking with a veterinarian without giving the Ministry prior notice of cancellation (*regulation 6*):
- extend the existing regime 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) (*regulations 4 and 7(4)*):
- provide for penal costs to be charged for activities carried out by veterinarians being paid penal rates, such as during a rostered period of work between midnight and 6 am (*regulations 4(1) and 7(4)*).

Cost regulatory impact statement

The Ministry for Primary Industries produced a cost regulatory 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 regulatory 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.