

Version
as at 1 July 2024



Animal Welfare (Cost Recovery) Regulations 2015 (LI 2015/89)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 11th day of May 2015

Present:

The Right Hon John Key presiding in Council

Pursuant to section 183 of the Animal Welfare Act 1999, His Excellency the Governor-General makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Primary Industries after meeting the requirements of section 182 of that Act.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry for Primary Industries.

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Regulations

1 Title

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

2 Commencement

These regulations come into force on 1 July 2015.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Animal Welfare Act 1999

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

double time means the rate for time worked at any of the following times on days other than public holidays:

- (a) any time between 10 pm and 8 am on a weekday:
- (b) any time between 12 am and 8 am on a Saturday:
- (c) any time after midday on a Saturday:
- (d) any time on a Sunday

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 (e) 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

public holiday has the meaning given by section 5(1) of the Holidays Act 2003

standard working hours means the hours between 8 am and 5 pm on any day except—

- (a) a Saturday or a Sunday; or
- (b) a public holiday or Ministry holiday

time and a half means the rate for time worked between the following times on days other than public holidays:

- (a) 5 pm and 10 pm on a weekday:
- (b) 8 am and midday on a Saturday.

Regulation 3 **call-out**: inserted, on 1 July 2024, by regulation 4(1) of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

Regulation 3 **double time**: inserted, on 1 July 2022, by regulation 4(1) of the Animal Welfare (Cost Recovery) Amendment Regulations 2022 (SL 2022/162).

Regulation 3 **Ministry holiday**: inserted, on 1 July 2024, by regulation 4(1) of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

Regulation 3 **penal time**: inserted, on 1 July 2024, by regulation 4(1) of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

Regulation 3 **penal time worked at penal rate 0.5**: inserted, on 1 July 2024, by regulation 4(1) of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

Regulation 3 **penal time worked at penal rate 1.0**: inserted, on 1 July 2024, by regulation 4(1) of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

Regulation 3 **penal time worked at penal rate 2.0**: inserted, on 1 July 2024, by regulation 4(1) of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

Regulation 3 **public holiday**: inserted, on 1 July 2022, by regulation 4(1) of the Animal Welfare (Cost Recovery) Amendment Regulations 2022 (SL 2022/162).

Regulation 3 **standard working hours**: inserted, on 1 July 2022, by regulation 4(1) of the Animal Welfare (Cost Recovery) Amendment Regulations 2022 (SL 2022/162).

Regulation 3 **standard working hours** paragraph (b): replaced, on 1 July 2024, by regulation 4(2) of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

Regulation 3 **time and a half**: inserted, on 1 July 2022, by regulation 4(1) of the Animal Welfare (Cost Recovery) Amendment Regulations 2022 (SL 2022/162).

Regulation 3 **working hours**: revoked, on 1 July 2022, by regulation 4(2) of the Animal Welfare (Cost Recovery) Amendment Regulations 2022 (SL 2022/162).

4 Fees and charges

- (1) The fees and charges set out in the Schedule are payable in respect of the matters to which they relate.
- (2) The fees and charges are exclusive of goods and services tax.

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.

Regulation 4A: inserted, on 1 July 2024, by regulation 5 of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

5 When fees and charges payable

The fees and charges set out in the Schedule are payable on the making of the relevant application or on performance of the relevant service, as the case may require.

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.

Regulation 5A: inserted, on 1 July 2024, by regulation 6 of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

6 Director-General may remit or waive costs

- (1) The Director-General may remit or waive any costs recovered, or to be recovered, under these regulations, in whole or in part, if the Director-General is satisfied—
 - (a) that the services performed do not justify the costs payable under these regulations; or
 - (b) that special circumstances applicable to a particular case make it reasonable to waive the recovery (in whole or in part) of the costs payable under these regulations.
- (2) In this regulation, **costs** includes fees and charges.

7 Revocation

The Animal Welfare Export Certificate Regulations 1999 (SR 1999/393) are revoked.

Schedule Fees and charges

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Part 1 Fees and charges

Matter for which fee or charge payable	Fee or charge*	Fee or charge payable by
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
1A Veterinarians employed or engaged by the Ministry being on call, outside standard working hours, (at the request of an exporter) to perform specialist functions and activities necessary for the export of live animals	\$45 per on-call shift for each veterinarian (in addition to call-out charges, if any)	The exporter
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	The exporter

			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 charge, as specified in subpart 3 of Part 2, if time worked by a veterinarian on a call-out	
2	Performance or exercise of a function, duty, or power that is—	\$67.50		The person whose actions resulted in the function, duty, or power being required to be performed or exercised
		Plus—		
	(a) required to be undertaken under the Act, including under any regulations; and	(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) not prescribed elsewhere in these regulations.	(b)	charge at an hourly rate, as specified in subpart 2 of Part 2, if time worked outside standard working hours	

*Fee or charge exclusive of any applicable costs payable under Part 3 or 4

Schedule Part 1 item 1: replaced, on 1 July 2024, by regulation 7(1) of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

Schedule Part 1 item 1A: inserted, on 1 October 2023, by regulation 4(1) of the Animal Welfare (Cost Recovery) Amendment Regulations 2023 (SL 2023/228).

Schedule Part 1 item 1B: replaced, on 1 July 2024, by regulation 7(2) of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

Schedule Part 1 item 2: amended, on 1 July 2024, by regulation 7(3) of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

Schedule Part 1 item 2: amended, on 1 July 2022, by regulation 5(2) of the Animal Welfare (Cost Recovery) Amendment Regulations 2022 (SL 2022/162).

Part 2

Hourly and daily charges

Schedule Part 2: replaced, on 1 July 2024, by regulation 7(4) of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

Subpart 1—Charges for time worked during standard working hours

Schedule Part 2 subpart 1: replaced, on 1 July 2024, by regulation 7(4) of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

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)

Schedule Part 2 subpart 2: replaced, on 1 July 2024, by regulation 7(4) of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

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

Schedule Part 2 subpart 3: inserted, on 1 July 2024, by regulation 7(4) of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

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

Part 3

Costs incurred by Ministry

- 1 Actual and reasonable costs, including actual and reasonable incidental and additional costs incurred by a Ministry employee, or a person engaged by the Ministry who is not an employee, may be recovered by the Ministry where those costs arise from a request by, or an act or omission of, any person under the Act or regulations made under the Act.
- 2 The costs in clause 1 include, but are not limited to,—
- (a) the costs of external review, expert review, notification, product testing, travel, and accommodation; and

- (b) disbursements such as the costs of photocopying, printing and stationery, telephone, fax, video conferencing, postage, and couriers.
- 3 For technical staff providing support for the delivery of specialist services in relation to functions, duties, or powers under the Act or any regulations made under the Act, a fee at an hourly rate of \$155 is payable by the person whose actions result in the function, duty, or power being required to be performed or exercised.

Schedule Part 3 clause 3: amended, on 1 July 2024, by regulation 7(5) of the Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89).

Part 4

Travel costs

Where travel of a Ministry employee, or a person engaged by the Ministry who is not an employee, is required for any of the matters specified in Parts 1, 2, and 3, an additional amount of \$0.67 per kilometre travelled by the employee or person is payable in addition to the relevant fee or charge.

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 14 May 2015.

Notes

1 *General*

This is a consolidation of the Animal Welfare (Cost Recovery) Regulations 2015 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Animal Welfare (Cost Recovery) Amendment Regulations 2024 (SL 2024/89)

Animal Welfare (Cost Recovery) Amendment Regulations 2023 (SL 2023/228)

Animal Welfare (Cost Recovery) Amendment Regulations 2022 (SL 2022/162)