



Biosecurity (Costs) 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 165 of the Biosecurity Act 1993—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Biosecurity made after consultation in accordance with section 164D(2) of that Act.

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Regulations

1 Title

These regulations are the Biosecurity (Costs) Amendment Regulations 2024.

2 Commencement

These regulations come into force on 1 July 2024.

3 Principal regulations

These regulations amend the Biosecurity (Costs) Regulations 2010.

4 Regulation 3 amended (Interpretation)

- (1) In regulation 3(1), 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

public holiday means a public holiday as specified in section 44 of the Holidays Act 2003

- (2) In regulation 3(1), revoke the definition of **pet animal**.

5 Regulation 6 amended (Payment of costs)

- (1) In regulation 6(2)(c), before “call-outs”, insert “being on call and”.

- (2) After regulation 6(2)(c), insert:

(d) incidental and additional expenses, under regulation 10A:

(e) work done outside standard working hours, under regulation 10B:

(g) work done on public holidays and Ministry holidays, under regulation 10C:

(h) penal time, under regulation 10D:

(f) missed appointments, under regulation 10E.

- (3) Replace regulation 6(2A)(b) with:

(b) for associated matters under regulations 8 to 10E.

6 Regulation 8 amended (Travel costs)

- (1) In regulation 8(4A)(b), replace “\$252.17” with “\$198.89”.

- (2) In regulation 8(4A)(c), replace “\$318.04” with “\$236.67”.

7 Regulation 10 amended (On-call charges and call-out costs)

- (1) In regulation 10(2)(b), replace “a public holiday as specified in section 44 of the Holidays Act 2003” with “a public holiday or Ministry holiday”.

- (2) In regulation 10(3)(a), replace “\$233.25” with “\$164.66”.

- (3) In regulation 10(3)(b), replace “\$311.00” with “\$192.34”.
- (4) After regulation 10(3)(b), insert:
 - (c) \$136.98 for a general inspector or a biosecurity adviser working on a public holiday or Ministry holiday.
- (5) In regulation 10(4)(a), replace “\$252.17” with “\$198.89”.
- (6) In regulation 10(4)(b), replace “\$318.04” with “\$236.67”.
- (7) After regulation 10(4)(b), insert:
 - (c) \$161.11 for a veterinary inspector working on a public holiday or Ministry holiday.
- (8) Replace regulation 10(4A) with:
 - (4A) The daily rates for call-out costs on a public holiday or Ministry holiday are—
 - (a) \$442.90 per day, in addition to the applicable hourly rate in subclause (3), for a general inspector or a biosecurity adviser:
 - (b) \$604.44 per day, in addition to the applicable hourly rate in subclause (4), for a veterinary inspector.

8 Regulation 10B amended (Work done by veterinary inspectors outside standard working hours)

- (1) In regulation 10B(3)(a), replace “\$252.17” with “\$198.89”.
- (2) In regulation 10B(3)(b), replace “\$318.04” with “\$236.67”.

9 New regulations 10C to 10E inserted

After regulation 10B, insert:

10C Work done by general inspectors and biosecurity advisers on public holidays and Ministry holidays

- (1) This regulation applies to an activity carried out by a general inspector or a biosecurity adviser on a public holiday or Ministry holiday, unless call-out costs are payable under regulation 10 in relation to that carrying out of the activity.
- (2) The costs for the activity that would otherwise be payable at a rate prescribed by the Schedule are instead payable at the hourly rate set out in subclause (3).
- (3) The hourly rate is \$229.25 for each general inspector or biosecurity adviser involved in the activity.

10D Penal costs

- (1) Penal costs are payable for a veterinary inspector who carries out an activity during penal time.
- (2) The penal costs are payable, at the applicable hourly rate, for each veterinary inspector involved in the activity.
- (3) The hourly rates for penal costs are—

- (a) \$50.37 for penal time worked at penal rate 0.5:
 - (b) \$100.74 for penal time worked at penal rate 1.0:
 - (c) \$201.48 for penal time worked at penal rate 2.0.
- (4) The penal costs are payable—
- (a) by the person, specified in the fourth column of the Schedule, responsible for paying the costs of the activity; and
 - (b) in addition to any other costs required to be paid under these regulations.
- (5) In this regulation,—
- penal time**, in relation to a veterinary inspector,—
- (a) means time worked by the inspector during a 40-hour week from Monday to Sunday, or on a public holiday or Ministry holiday, for which the inspector is entitled by their employment agreement to penal rates; but
 - (b) excludes time worked at 1.5 or 2 times the inspector’s hourly rate, 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 noon 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 2 times the inspector’s hourly rate; 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

10E Missed appointment costs

- (1) A missed appointment charge of \$46.575 is payable for failing to make use of a scheduled booking with a veterinary inspector without contacting the Ministry beforehand to cancel it, unless waiting-time costs are payable in relation to the booking under regulation 9.
- (2) A charge payable under subclause (1) is payable—
 - (a) by the person, specified in the fourth column of the Schedule, responsible for paying the costs of the activity; and
 - (b) in addition to any other costs required to be paid under these regulations.

10 Schedule amended

In the Schedule, item 9, replace “\$49.61 per pet animal unless the pet animal requires veterinary inspection” with “\$279.45 for a first cat or dog and \$93.15 for each additional cat or dog inspected at the same time, plus \$186.30 per hour for each veterinary inspector for inspection time in excess of 90 minutes for the first cat or dog or in excess of 30 minutes for an additional cat or dog”.

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 Biosecurity (Costs) Regulations 2010 (the **principal regulations**).

The principal regulations set the charges that importers, facility operators, and others must pay for various activities carried out by inspectors and biosecurity advisers under the Biosecurity Act 1993. These amendment regulations—

- adjust some of the charges for travel costs, call-out costs, and work done outside standard hours, 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 (*regulations 6, 7(2), (3), (5), and (6), and 8*):
- extend the existing call-out charges regime that applies to activities undertaken on public holidays to apply also to activities on designated Ministry holidays (typically, 3 weekdays between Boxing Day and New Year’s Day) (*regulations 4(1) and 7(1), (4), (7), and (8)*):
- provide for a higher hourly rate of costs to apply, instead of the standard rate, for rostered work done by general inspectors and biosecurity advisers on a public holiday or Ministry holiday (*regulation 9*):

- provide for penal costs to be charged for activities carried out by veterinary inspectors being paid penal rates, such as during a rostered period of work between midnight and 6 am (*regulation 9*):
- introduce a charge of \$46.575 for failing to make use of a scheduled booking with a veterinary inspector without giving the Ministry prior notice of cancellation (*regulation 9*):
- introduce fixed charges for standard-length inspections of cats and dogs arriving in New Zealand (*regulation 10*):
- remove the fixed charge for non-veterinary inspections of pets arriving in New Zealand, so that pet inspections are charged for in the same way as other animal inspections (*regulations 4(2) and 10*).

Cost recovery 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 recovery 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.

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These regulations are administered by the Ministry for Primary Industries.