



## Biosecurity (Costs) Amendment Regulations (No 2) 2023

Cindy Kiro, Governor-General

### Order in Council

At Wellington this 28th day of August 2023

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 (No 2) 2023.

## 2 Commencement

These regulations come into force on 1 October 2023.

## 3 Principal regulations

These regulations amend the Biosecurity (Costs) Regulations 2010.

## 4 Regulation 6 amended (Payment of costs)

After regulation 6(2), insert:

- (2A) Costs are only payable under these regulations at the specified veterinary inspector rates—
- (a) if a veterinary inspector’s expertise is required to undertake the relevant activities; and
  - (b) for associated travel, waiting time, on-call charges, and call-out costs.

## 5 Regulation 10 amended (Call-out costs)

- (1) Replace the heading to regulation 10 with “**On-call charges and call-out costs**”.
- (2) Replace regulation 10(1) with:
  - (1) An on-call charge of \$45 per on-call shift is payable for a veterinary inspector who is on call to undertake, outside standard working hours, specialist functions and activities necessary for the import of live animals or germplasm.
  - (1A) Call-out costs are payable for an inspector or a biosecurity adviser who, having left his or her place of work, has been recalled to duty for the purpose of carrying out an activity.
- (3) After regulation 10(4A), insert:
  - (4B) If veterinary inspectors employed or engaged by the Ministry undertake specialist functions and activities necessary for the import of live animals or germplasm, a minimum charge of 3 hours is payable at the applicable hourly rate set out in subclause (4), plus the daily rate in subclause (4A), if applicable.
- (4) In regulation 10(5) replace “Call-out costs” with “On-call charges and call-out costs”.

## 6 Schedule amended

- (1) In the Schedule, item 18, replace “inspector” with “general inspector”.
- (2) In the Schedule, after item 18, insert:

18A	Processing an application under item 18 for which a veterinary inspector’s expertise is required.	\$931.50 for each application processed, plus \$186.30 per hour for each veterinary inspector for processing beyond the first 5 hours	Applicant
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- (3) In the Schedule, item 19, third column, replace “each inspector or biosecurity adviser involved”, with “each general inspector or biosecurity adviser involved, and \$186.30 per hour for each veterinary inspector involved”.
- (4) In the Schedule, item 20, third column, replace “each inspector or biosecurity adviser involved” with “each general inspector or biosecurity adviser involved, and \$186.30 per hour for each veterinary inspector involved”.

Rachel Hayward,  
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 October 2023, amend the Biosecurity (Costs) Regulations 2010 (the **principal regulations**). The principal regulations set out charges for performance or exercise of a function, duty, or power required to be undertaken under the Biosecurity Act 1993 or associated regulations. The amendments—

- introduce charges if veterinarians are requested by importers to be on call to undertake work related to the import of live animals and germplasm:
- provide for a minimum 3-hour charge where this work is carried out after hours:
- provide for the charging of different rates in relation to transitional and containment facilities when the expertise of a veterinary inspector is required:
- clarify that veterinary inspector rates are only payable for activities and associated costs when a veterinary inspector’s expertise is required.

### Cost recovery impact statement

The Ministry for Primary Industries produced a cost recovery impact statement on 22 March 2023 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.

Date of notification in *Gazette*: 31 August 2023.

These regulations are administered by the Ministry for Primary Industries.

