



Dairy Industry (Fonterra Levy) Regulations 2006

Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 19th day of June 2006

Present:

The Hon Dr Michael Cullen presiding in Council

Pursuant to section 134 of the Dairy Industry Restructuring Act 2001, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

- 1 Title**
These regulations are the Dairy Industry (Fonterra Levy) Regulations 2006.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Levy

- (1) The Fonterra Co-operative Group Limited must pay a levy of \$562,500 for the financial year commencing on 1 July 2006 and ending on 30 June 2007.
- (2) However, \$155,250 was under-recovered by the levy paid for the financial year commencing on 1 July 2004 and ending on 30 June 2005.
- (3) The balance of the levies payable is therefore \$717,750.
- (4) The balance of the levies must be paid in 2 equal instalments of \$358,875 to the Minister with—
 - (a) the first instalment due within 1 month after the commencement of these regulations; and
 - (b) the second instalment due within 6 months after the commencement of these regulations.

4 GST included

The levy under regulation 3 is inclusive of goods and services tax.

Diane Morcom,
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 come into force on the 28th day after the date of their notification in the *Gazette*.

The regulations require the Fonterra Co-operative Group Limited (**Fonterra**) to pay a levy of \$717,750 in 2 equal instalments of \$358,875 to the Minister with—

- the first instalment due within 1 month after the commencement of these regulations; and

- the second instalment due within 6 months after the commencement of these regulations.

The sum of \$155,250 was under-recovered in respect of the levy paid for the 2004/2005 financial year under the Dairy Industry (Application Fees and Fonterra Levy) Regulations 2004.

The Minister of Agriculture has added this under-recovery to the levy of \$562,500 that would otherwise be payable by Fonterra for the 2006/2007 financial year.

The purpose of the levy is to pay the Commerce Commission's costs of making and enforcing determinations under the Dairy Industry Restructuring Act 2001, and the cost of enforcing parts of that Act.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 22 June 2006.

These regulations are administered by the Ministry of Agriculture and Forestry.
