



# Dairy Industry (Fonterra Levy) Regulations 2007

Anand Satyanand, Governor-General

## Order in Council

At Wellington this 12th day of November 2007

Present:

His Excellency the Governor-General in Council

Pursuant to section 134 of the Dairy Industry Restructuring Act 2001, His Excellency the Governor-General, 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 2007.

## 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 2007 and ending on 30 June 2008.
- (2) However,—
  - (a) \$232,875 was under-recovered by the levy paid for the financial year commencing on 1 July 2005 and ending on 30 June 2006; and
  - (b) \$561,375 was over-recovered by the levy paid for the financial year commencing on 1 July 2006 and ending on 30 June 2007.
- (3) The balance of the levy payable is therefore \$234,000.
- (4) The balance of the levies must be paid in 2 equal instalments of \$117,000 to the Minister with—
  - (a) the first instalment due within 28 days after the commencement of these regulations; and
  - (b) the second instalment due within 6 months after the expiration of 28 days 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.

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### 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 \$234,000 in 2 equal instalments of \$117,000 to the Minister with—

- the first instalment due within 28 days after the commencement of these regulations; and
- the second instalment due within 6 months after the expiration of 28 days after the commencement of these regulations.

The sum of \$232,875 was under-recovered in respect of the levy paid for the 2005/2006 financial year under the Dairy Industry (Fonterra Levy) Regulations 2005.

The sum of \$561,375 was over-recovered in respect of the levy paid for the 2006/2007 financial year under the Dairy Industry (Fonterra Levy) Regulations 2006.

The Minister of Agriculture has added the under-recovery to, and subtracted the over-recovery from, the levy of \$562,500 that would otherwise be payable by Fonterra for the 2007/2008 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.

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

Date of notification in *Gazette*: 15 November 2007.

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

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