



THE DAIRY INDUSTRY (FEES) REGULATIONS 1990

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 8th day of October 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Dairy Industry Act 1952, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Dairy Industry (Fees) Regulations 1990.

(2) These regulations shall come into force on the day after the day of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

(a) “The industry regulations” means the Dairy Industry Regulations 1990; and

(b) “Inspect” includes examine—

(i) For the purposes of any regulations revoked (on or after the commencement of those regulations) by the Dairy Industry (Revocation of Regulations) Regulations 1990; or

- (ii) For the purposes of registration under the industry regulations;—
and “inspection” has a corresponding meaning; and
- (c) Subject to paragraph (b) of this regulation, terms defined by regulation 2 of the industry regulations have the meanings given to them by that regulation.

3. Basic inspection fees—(1) A fee shall be paid to the Director-General for the time spent by an Inspector in—

- (a) Preparing to inspect any premises; or
- (b) Inspecting any premises; or
- (c) Examining or sampling anything in any premises; or
- (d) Travelling to or from any premises inspected, or where anything is examined or sampled; or
- (e) Preparing any report on the inspection of any premises.

(2) The fee shall be paid by the occupier of the premises.
(3) The fee shall be calculated at the rate of \$22.50 for every 15 minutes or part thereof taken doing the thing to which the fee relates.

(4) For the purposes of subclause (3) of this regulation, where an Inspector does 2 or more of the things referred to in subclause (1) of this regulation—

- (a) Consecutively; and
- (b) In respect of the same premises or premises with the same occupier,—

the fee shall be calculated in respect of the total time spent doing those things.

4. Cost fees—(1) Where—

- (a) A fee is payable to the Director-General in respect of an Inspector's doing anything referred to in regulation 3 (1) of these regulations; and
- (b) In order to do that thing it was reasonably necessary for the Inspector to—
 - (i) Travel by road on any day; or
 - (ii) Travel by air on any day; or
 - (iii) Pay for accommodation on any day,—

an additional fee shall be paid to the Director-General, by the person required to pay the fee referred to in paragraph (a) of this subclause.

(2) The fee shall be the sum of—

- (a) The lesser of \$200 and the actual cost of the road travel on the day concerned; and
- (b) The lesser of \$1,000 and the actual cost of the air travel on the day concerned; and
- (c) The lesser of \$200 and the actual cost of accommodation on the day concerned.

(3) Notwithstanding subclause (2) of this regulation, where the costs of any travel or accommodation have been incurred in respect of premises with different occupiers,—

- (a) The Director-General shall make reasonable attempts to apportion the costs among the occupiers; and
- (b) That subclause shall apply to the fee payable by a particular occupier as if the reference to the actual cost is a reference to that part of those costs apportioned to that occupier.

5. Test fees—(1) Subject to subclause (3) of this regulation, there shall be payable to the Director-General for every test specified in the first column of the Schedule to these regulations (being a test done by or at the request of an Inspector acting under, or as a consequence of action taken under, the Act or the industry regulations) the fee specified in the second column of that schedule opposite the specification of the test.

(2) The fee shall be paid by the person who owned the substance tested immediately before it came into the possession of the Inspector.

(3) Where, in the opinion of the Director-General, the costs to the Director-General of the doing of any test specified in the Schedule to these regulations is less than the fee specified in that schedule for the test, the fee payable for that test shall be the amount (in the Director-General's opinion) of those costs.

6. Fees inclusive of GST—The fees prescribed by these regulations are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

7. Revocations—The following regulations are hereby consequentially revoked:

- (a) The Dairy Industry (Fees) Regulations 1986:
 - (b) The Dairy Industry (Fees) Regulations 1986, Amendment No. 1.
-

Reg. 5 (1)

SCHEDULE
TEST FEES
(INCLUSIVE OF GST)

Test	Fee \$
<i>Chemical tests</i>	
Arsenic	46.00
Cadmium	59.50
Copper (atomic absorption)	32.50
Copper/iron—anhydrous milkfat	82.00
Formaldehyde	101.50
Iron (atomic absorption)	32.50
Lead	59.50
Nitrate and nitrite	35.00
Pesticides—standard	98.00
—solvent extraction	136.50
Phosphatase	9.50
Tin	52.00
Vitamin A—spectrophotometric	77.00
Vitamin D	285.00
<i>Physical tests</i>	
Foreign matter, etc.—	
Cheese	14.00
Milk powder	12.50
Milk and fat	10.00
Parmesan	95.50
Protein	25.00
Rennet Casein	25.00
Skim milk cheese	14.00
<i>Microbiological tests</i>	
Bacillus cereus	26.00
Clostridium perfringens	37.50
Coagulase positive Staphylococci	20.00
Coliforms—	
Plate method	14.00
Tube/MPN method	17.50
Membrane filtration method	17.50
Enterobacteriaceae	19.00
Escherichia coli	22.50
Inhibitory substances	
Milk—Star method, etc.	15.50
Large plate method, FDA method	20.00
Listeria	36.00
Salmonella	31.00
Shigella	46.00
Standard plate count	15.00
Streptococci	18.00

C. J. HILL,
for 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 the day after the date of their notification in the *Gazette*, prescribe fees for inspections and tests done under the Dairy Industry Act 1952 or the Dairy Industry Regulations 1990.

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

Date of notification in *Gazette*: 11 October 1990.

These regulations are administered in the Ministry of Agriculture and Fisheries.