



FOOD (FEES AND CHARGES) REGULATIONS 1997

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 3rd day of June 1997

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 42 and 42A of the Food Act 1981, His Excellency the Governor-General, acting on the advice of the Minister of Health tendered after consultation by the Minister with such organisations or bodies as appeared to the Minister to be representative of persons likely to be substantially affected by the regulations, and by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

1. Title and commencement
2. Interpretation
3. Fees and charges
4. Hourly rate charge
5. Waiver of fees and charges

6. Goods and services tax included

SCHEDULE

Fees and Charges

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Food (Fees and Charges) Regulations 1997.

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

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

“The Act” means the Food Act 1981:

“Charitable purpose” means any charitable, philanthropic, or cultural purpose; and includes every other purpose that is beneficial to the community or any significant section of the community:

“Educational establishment” means—

(a) Any school to which the Education Act 1989 or the Private Schools Conditional Integration Act 1975 applies:

(b) Any—

(i) Special school; or

(ii) Special class; or

(iii) Special clinic; or

(iv) Special service—

established under section 98 (1) of the Education Act 1964:

(c) Any special institution within the meaning of section 92 (1) of the Education Act 1989:

(d) Any early childhood centre within the meaning of section 308 (1) of the Education Act 1989:

(e) Any—

(i) Institution; or

(ii) Private training establishment; or

(iii) Government training establishment—

within the meaning of section 159 (1) of the Education Act 1989, that is not conducted for profit:

(f) Any body, or class of body, that is not conducted for profit and that is approved by the Minister of Education as an educational establishment for the purposes of the Copyright Act 1994 by a notice under section 2 (1) of that Act published in the *Gazette*:

“Hourly rate charge” means the appropriate charge calculated in accordance with regulation 4:

“Multiple release permit” means a permit that is issued for a specified period by or on behalf of the Director-General or by an officer, and allows any shipment of a particular product from a particular supplier to enter New Zealand during the specified period without the need for a clearance under the Act.

3. Fees and charges—Whenever any function, power, duty, or service described in the first column of the Schedule is exercised, performed, or provided by or on behalf of any person or body, the appropriate fees and charges set out opposite that description in the second column of the Schedule are payable to that person or body by the applicant or other person to whom the subject-matter of the fee or charge applies.

4. Hourly rate charge—(1) Subject to subclause (2), if an hourly rate charge is payable under these regulations, the charge is to be calculated as follows:

(a) Time spent during normal working hours on any day is chargeable in 15-minute units at the rate of \$73.12 an hour, and a minimum of 15 minutes is chargeable in any case:

(b) Time spent outside normal working hours on any day, other than on any statutory holiday, is chargeable in 15-minute units at the rate of \$109.68 an hour, and a minimum of 3 hours is chargeable in any case:

(c) Time spent outside normal working hours to which paragraph (b) does not apply is chargeable in 15-minute units at the rate of \$146.25 an hour, and a minimum of 3 hours is chargeable in any case.

(2) The rates specified in paragraphs (b) and (c) of subclause (1) apply only to time spent on an activity or service referred to in clause 4 of the Schedule.

5. Waiver of fees and charges—(1) The Director-General or the territorial authority, as the case may be, may waive a fee or charge payable under clause 1 or clause 2 of the Schedule if the exemption concerned applies to a qualifying food operation.

(2) For the purposes of subclause (1), the following food operations are qualifying food operations:

(a) Food operations conducted by an educational establishment where the food is sold only to the persons who live, study, or work in, or attend, the institution, or to their visitors:

(b) Food operations conducted for a charitable purpose where the food is sold otherwise than for profit.

6. Goods and services tax included—The rates of fees and charges specified in these regulations are inclusive of the amount of goods and services tax payable.

SCHEDULE
FEES AND CHARGES

Regs. 3, 5 (1)

Activity or Service	Fees and Charges
1. Processing an application for the issue or variation of an exemption from the Food Hygiene Regulations 1974, whether under section 8F or section 8N of the Act	Hourly rate, plus \$0.62 per km over 40 km travelled
2. Processing an application for the surrender, revocation, or replacement of an exemption referred to in clause 1	\$33.75
3. Processing the registration of the approval under section 8zv of the Act of a person as a food safety programme auditor, or the surrender of an approval under that section	\$33.75
4. Issuing or renewing a multiple release permit under the Act, inspecting prescribed foods or tableware, or collecting or dispatching samples required for analysis in accordance with section 11P of the Act and regulation 258 of the Food Regulations 1984	Hourly rate, plus \$0.62 per km over 40 km travelled
5. Clearance of prescribed foods or tableware, whether domestic or imported, in accordance with section 11P of the Act and regulation 258 of the Food Regulations 1984	\$22.50 per supplier or item, if electronic data transfer to clearing house is used \$33.75 per supplier or tariff item, in all other cases

MARIE SHROFF,
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 28 days after notification in the *Gazette*, set fees and charges for certain applications and services under the Food Act 1981.

The fees and charges are—

- an hourly charge, plus \$0.62 per km over 40 km travelled, for the issue or variation of an exemption from the Food Hygiene Regulations 1974
- a fee of \$33.75 for the surrender or revocation or replacement of an exemption from the Food Hygiene Regulations 1974
- an hourly charge, plus \$0.62 per km over 40 km travelled, for the issue or renewal of a multiple release permit under the Act, the inspection of prescribed foods or tableware, and for the collection and dispatch of samples required for analysis
- a fee of \$33.75 for the clearance of prescribed foods or tableware, reduced to \$22.50 if electronic data transfer is used.

Chargeable time is calculated in 15-minute units and the hourly rate is—

- \$73.12 for normal working hours, with a minimum of 15 minutes being charged
- \$109.68 for time outside normal working hours (excluding time spent on statutory holidays), if the activity or service is one referred to in clause 4 of the Schedule
- \$146.25 in all other cases, if the activity or service is one referred to in clause 4 of the Schedule.

The Director-General of Health and territorial authorities are empowered to waive fees and charges payable for exemptions from the Food Hygiene Regulations 1974. The waiver is permitted if—

- the food operation is conducted by an educational establishment
- the food operation is conducted for a charitable purpose.

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

Date of notification in *Gazette*: 5 June 1997.

These regulations are administered in the Ministry of Health.