

**Reprint
as at 20 December 2019**



Agricultural Compounds and Veterinary Medicines (Fees, Charges, and Levies) Amendment Regulations 2019
(LI 2019/122)

Patsy Reddy, Governor-General

Order in Council

At Wellington this 27th day of May 2019

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 75, 81D, 81E, and 81H of the Agricultural Compounds and Veterinary Medicines Act 1997—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Food Safety after—
 - (i) being satisfied that the requirements of sections 81 and 81B of that Act have been met; and
 - (ii) taking into account the results of consultation in accordance with section 78 of that Act.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for Primary Industries.

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Regulations

1 Title

These regulations are the Agricultural Compounds and Veterinary Medicines (Fees, Charges, and Levies) Amendment Regulations 2019.

2 Commencement

These regulations come into force on 1 July 2019.

Regulations: confirmed, on 20 December 2019, by section 7 of the Subordinate Legislation Confirmation Act 2019 (2019 No 82).

3 Principal regulations

These regulations amend the Agricultural Compounds and Veterinary Medicines (Fees, Charges, and Levies) Regulations 2015 (the **principal regulations**).

4 New regulation 3A inserted (Transitional, savings, and related provisions)

After regulation 3, insert:

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

5 Regulation 4 amended (Fees, charges, and levies)

(1) Replace the heading to regulation 4 with “**Fees and charges**”.

- (2) In regulation 4(1), delete “and the levies set out in Schedule 2”.
- (3) In regulation 4(2), replace “fees, charges, and levies” with “fees and charges”.

6 New regulation 4A inserted (Levies)

After regulation 4, insert:

4A Levies

- (1) A levy is payable in respect of the matters set out in the first column of the table in Schedule 2. The levy is payable by the persons specified in the second column of that table.
- (2) The levy is exclusive of goods and services tax.
- (3) The Director-General may, by notice in the *Gazette*, set the rate of the levy on the basis of the following formula (subject to subclause (5)):
$$a \div b$$
where—
 - a is an estimate of the costs for the forthcoming financial year, as adjusted, under subclause (4)
 - b is an estimate of the total number of trade name products that will be registered in the forthcoming financial year.
- (4) The estimated costs referred to in subclause (3) may be adjusted to take into account—
 - (a) any estimated shortfall in recovery, or any estimated over-recovery, of the costs for any of the 4 preceding financial years; and
 - (b) any actual shortfall in recovery, or any actual over-recovery, of the costs for any of the 4 preceding financial years so far as the shortfall remains to be recovered, or the over-recovery remains to be allowed for.
- (5) The Director-General must not set the rate of the levy in excess of \$590.
- (6) The rate of the levy notified under subclause (3) applies to the forthcoming financial year and all subsequent years until the notice is revoked or replaced.
- (7) In this regulation, **costs** means the costs of the matters set out in the first column of the table in Schedule 2.
- (8) See Schedule 1AA.

7 Regulation 5 amended (When fees, charges, and levies payable)

In regulation 5, replace “set out in Schedule 2” with “notified under regulation 4A(3)”.

8 Regulation 6 amended (Director-General may grant exemption, waiver, or refund)

In regulation 6(1), replace “set out in Schedule 2” with “notified under regulation 4A(3)”.

9 New Schedule 1AA inserted

Insert the Schedule 1AA set out in Schedule 1 of these regulations as the first schedule to appear after the last regulation of the principal regulations.

10 Schedules 1 and 2 replaced

Replace Schedules 1 and 2 with the Schedules 1 and 2 set out in Schedule 2 of these regulations.

Schedule 1
New Schedule 1AA inserted

r 9

Schedule 1AA
Transitional, savings, and related provisions

r 3A

Part 1
Provision relating to Agricultural Compounds and Veterinary Medicines Amendment Regulations 2019

1 Rate of levy

- (1) Until the rate of the levy referred to in regulation 4A is notified under regulation 4A(3), the rate of the levy—
 - (a) is \$540; and
 - (b) must be treated as being notified under regulation 4A(3).
- (2) The rate of the levy prescribed under subclause (1) applies to the 2019 financial year and all subsequent years until a new rate is notified under regulation 4A(3).

**Schedule 2
Schedules 1 and 2 replaced**

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**Schedule 1
Fees and charges**

rr 4–6

**Part 1
Fees and charges**

Matter for which fee or charge payable	Fee or charge*	Fee or charge payable by
1 Consideration by an ACVM officer whether to give authority or clearance under section 5 or 6 of the Act, including determining which of the categories in section 6(1) of the Act goods fall under	\$102.27 per authority or clearance Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The importer
2 Application under section 8C of the Act for approval of the importation, manufacture, sale, or use of an agricultural compound without registration	\$135 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant
3 Assessing whether an application to register a trade name product complies with section 10 of the Act	\$67.50 per application Plus assessment charge on hourly basis after the first 30 minutes, as specified in Part 2	The applicant
4 Responding to inquiries about form and content of applications under section 10 of the Act	\$135 per inquiry Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The inquirer
5 Application under section 9 of the Act to register a trade name product or to vary 1 or more conditions on a registered trade name product	\$135 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant
6 Considering waiver of notice under section 15 of the Act	\$135 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant
7 Registering in the register of trade name products, in accordance with section 21(1)(d) of the Act, a trade name product or a variation of 1 or more conditions on a registered trade name product	\$405 per registration or variation	The applicant
8 Inspecting the register of registered trade names in accordance with section 24(5) of the Act	\$135 per inspection Plus inspection charge on hourly basis after the first hour, as specified in Part 2	The person inspecting the register

**Agricultural Compounds and Veterinary Medicines
(Fees, Charges, and Levies) Amendment Regulations**
2019

Schedule 2

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Matter for which fee or charge payable	Fee or charge*	Fee or charge payable by
9 Application to provisionally register a trade name product of an agricultural compound under section 26 of the Act	\$135 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant
10 Application for approval of an operating plan under section 28 of the Act, or Director-General giving notice of an amendment to, or revocation of, an approval of an operating plan	\$135 per application or notice Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant or person to whom notice is given
11 Monitoring compliance with conditions imposed (whether on the registrant, importer, manufacturer, seller, purchaser, or user) under the Act or regulations made under the Act	\$135 Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The person to whom the conditions apply
12 Suspension under section 30A of the Act of the registration of a trade name product registered under section 21 or 27 of the Act	\$135 per suspension Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The registrant
13 Application under section 35C of the Act for the Director-General to issue a certificate of compliance under section 35A of the Act	\$135 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant
14 Recall of an agricultural compound under section 35G of the Act	\$135 per recall Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The person to whom the recall notice is directed
15 Application for recognition under section 44C, 44E, or 44G of the Act	\$135 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant
16 Recognition of a person under section 44F of the Act without an application	\$135 per recognition Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The person who is recognised
17 Application for renewal of recognition under section 44Q of the Act	\$135 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant
18 Application under section 44S of the Act for a new notice of recognition in substitution for an existing notice of recognition	\$135 per application Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The applicant
19 For each year for which an agency or a person is recognised in accordance with section 44T of the Act	\$135, payable annually Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The recognised agency or recognised person
20 Inspection in accordance with section 64 of the Act for the purpose of enforcing provisions of the Act	\$135 per inspection Plus assessment charge on hourly basis after the first hour, as specified in Part 2	The person being inspected
21 Performance or exercise of a function, duty, or power that is—	\$67.50 per application	The person whose actions resulted in the function,

Matter for which fee or charge payable	Fee or charge*	Fee or charge payable by
(a) required to be undertaken under the Act, including under any regulations or notices; and	Plus assessment charge on hourly basis after the first 30 minutes, as specified in Part 2	duty, or power being required to be performed or exercised
(b) not prescribed elsewhere in these regulations		

*Fee or charge exclusive of any applicable costs payable under Part 3 or 4

Part 2

Assessment and inspection charges on hourly basis

Where Part 1 specifies an assessment or inspection charge on an hourly basis, that charge is to be determined as follows for each hour (or final part-hour) beyond the first 30 minutes or the first hour, as the case may be, spent on assessing or inspecting the matter concerned:

Category	Fee (\$)
(a) for each hour (excluding final part-hour) spent by a person (whether or not employed by the Ministry)	135.00
(b) for each 15-minute block in final part-hour spent under paragraph (a)	33.75
(c) for each hour (excluding final part-hour) spent by a person (whether or not employed by the Ministry) under item 1 in Part 1	102.27
(d) for each 15-minute block in final part-hour spent under paragraph (c)	25.57

Part 3

Costs incurred by Ministry

- 1 Actual and reasonable costs, including actual and reasonable incidental and additional costs incurred by a Ministry employee, or a person engaged by the Ministry who is not an employee, may be recovered by the Ministry where those costs arise from a request by, or an act or omission of, any person under the Act or regulations or notices made under the Act.
- 2 The costs in clause 1 include, but are not limited to,—
 - (a) the costs of external review, expert review, notification, product testing, travel, and accommodation; and
 - (b) disbursements such as the costs of scanning, email, wifi, photocopying, printing, stationery, telephone, fax, video conferencing, postage, and couriers.
- 3 For technical staff providing support for the delivery of specialist services in relation to functions, duties, or powers under the Act or any regulations or notices made under the Act, a fee of \$135 per hour is payable, in 15-minute increments, by the person whose actions result in the function, duty, or power being required to be performed or exercised.

Part 4
Travel costs

Where travel of a Ministry employee, or a person engaged by the Ministry who is not an employee, is required for any of the matters specified in Parts 1, 2, and 3, an additional amount of \$0.67 per kilometre travelled by the employee or person is payable in addition to the relevant fee or charge.

Schedule 2
Levies

rr 4–6

Matters for which levy referred to in regulation 4A payable

For—

- (a) the development of standards, conditions, requirements, and guidance that apply in respect of—
 - (i) applications for registration of trade name products or specified classes of trade name products; or
 - (ii) registered trade name products or specified classes of registered trade name products;
- (b) the administration and operation of the system of registration of trade name products under the Act;
- (c) the provision of advice about trade name products;
- (d) monitoring, reviewing, and auditing activities relating to the importation, manufacture, sale, and use of agricultural compounds

Levy payable annually by

Each—

- (a) registrant in respect of each trade name product held by the registrant;
- (b) person who holds an exemption under section 8C of the Act;
- (c) person who has obtained approval of an operating plan;
- (d) recognised person

Michael Webster,
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 July 2019, amend the Agricultural Compounds and Veterinary Medicines (Fees, Charges, and Levies) Regulations 2015. The amendments—

- prescribe new fees, charges, and costs set out in *new Schedule 1*;
- enable the Director-General of the Ministry for Primary Industries to set the rate of the levy on the basis of a formula (*see new regulation 4A(3)*):

- prescribe the rate of the levy at \$540 for the 2019 financial year and all subsequent years until the Director-General sets a new rate of levy under *new regulation 4A(3)* (*see new Schedule 1AA*, which provides for transitional matters);
- replace the list of matters for which the levy is payable (*see new Schedule 2*).

These regulations are a confirmable instrument under section 47B of the Legislation Act 2012. They are revoked at the close of 30 June 2020, unless earlier confirmed by an Act of Parliament. That stated time is the applicable deadline under section 47C(1)(a) of that Act.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 30 May 2019.

Reprints notes

1 *General*

This is a reprint of the Agricultural Compounds and Veterinary Medicines (Fees, Charges, and Levies) Amendment Regulations 2019 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Subordinate Legislation Confirmation Act 2019 (2019 No 82): section 7