Animal Products (Fees, Charges, and Levies) Regulations 2001

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 30th day of July 2001

Present:
The Right Hon Helen Clark presiding in Council

Pursuant to section 166 of the Animal Products Act 1999 and sections 22 and 25 of the Animal Products (Ancillary and Transitional Provisions) Act 1999, Her 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 Animal Products (Fees, Charges, and Levies) Regulations 2001.

2 Commencement

These regulations come into force on 1 September 2001.

3 Fees and charges

(1) The fees and charges set out in Part 4 of Schedule 4 of the Animal Products (Ancillary and Transitional Provisions) Act 1999 cease to apply on and from the commencement of these regulations.

(2) Instead, the fees and charges specified in Schedule 1 of these regulations are payable in respect of the matters specified in that schedule.

(3) The annual charge set out in clause 2C of Schedule 1 applies in respect of the year commencing 1 July 2001 and subsequent years, but—

(a) for the 2001-02 year is to be pro-rated on a monthly basis to exclude the period 1 July 2001 to 31 August 2001; and

(b) to the extent that any person has already paid an amount of annual charge under Schedule 5 of the Animal Products (Ancillary and Transitional Provisions) Act 1999 covering any period from 31 August 2001 to 30 June 2002, that amount is to be credited to the person in respect of the annual charge payable by them under Schedule 1 of these regulations, and any excess amount remitted to the person.

4 Levies

(1) The levies set out in Schedule 5 of the Animal Products (Ancillary and Transitional Provisions) Act 1999 cease to apply on and from the commencement of these regulations (subject to subclauses (3) and (4) in relation to annual and monthly levies).

(2) Instead, the levies specified in Schedule 2 of these regulations are payable in respect of the matters specified in that schedule

by persons operating under a registered risk management programme in respect of operations under that programme.

(3) The annual levies set out in clauses 3 to 5 of Schedule 2 apply in respect of the year commencing 1 July 2001 and subsequent years, but—

(a) for the 2001-02 year are to be pro-rated on a monthly basis to exclude the period 1 July 2001 to 31 August 2001; and

(b) are to be further pro-rated to exclude any month during which the person concerned was not the operator of a registered risk management programme; and

(c) to the extent that any person has already paid an amount of annual levy under Schedule 5 of the Animal Products (Ancillary and Transitional Provisions) Act 1999 covering any period from 31 August 2001 to 30 June 2002, that amount is to be credited to the person in respect of the annual levy payable by them under Schedule 2 of these regulations, and any excess amount remitted to the person.

(4) The monthly levy set out in clause 6 of Schedule 2 applies in respect of the month commencing 1 September 2001 and subsequent months.

5 Goods and services tax

Except as otherwise specifically provided in Schedules 1 and 2 in relation to fees, charges, and levies determined on an hourly basis or on the basis of the number of animals involved in a relevant activity, the amounts specified in those schedules are inclusive of goods and services tax.

6 Saving

Despite regulations 3 and 4 of these regulations, Part 4 of Schedule 4 and Schedule 5 of the Animal Products (Ancillary and Transitional Provisions) Act 1999 continue to apply in respect of—

(a) annual levies payable in respect of—

(i) the years ending 30 June 2000 and 2001; and

(ii) the period 1 July 2001 to 31 August 2001 (with the annual levy approximately pro-rated on a monthly basis):

(b) monthly levies payable for August 2001 and earlier months:

(c) fees and charges for verification activities carried out before 1 September 2001.

Schedule 1

r 3(2)

Fees and charges replacing those specified in Part 4 of Schedule 4 of Animal Products (Ancillary and Transitional Provisions) Act 1999

Part 4
MAF verification charges

1 The charges set out in this Part apply where any verification function under the Animal Products Act 1999 is carried out by an officer or employee of the Ministry.

2 The charges set out in this Part that are determined on an hourly basis or on the basis of the number of animals involved in a relevant activity are exclusive of GST, and GST on these charges will be added to the total invoice.

3 In this Part,—

circuit charges refer to charges payable in respect of any place or premises where the verification functions are performed by Ministry verifiers who are not permanently or semi-permanently based at the place or premises

double time refers to overtime hours worked by a verifier for which the verifier is entitled, by his or her employment contract, to double time rates

establishment charges refer to charges payable in respect of any place or premises where the verification functions are performed by Ministry verifiers who are permanently or semi-permanently based at the place or premises

non-veterinary verifier means a verifier who is not a veterinarian registered under the Veterinarians Act 1994

shift rates refers to the case where a verifier is entitled, by his or her employment contract, to extra remuneration for working shifts

supervising veterinary verifier means a veterinary verifier who has prime responsibility for the verification function at a place or premises

time and a half, or **1½ time**, refers to overtime hours worked by a verifier for which the verifier is entitled, by his or her employment contract, to time and a half rates

veterinary verifier means a verifier who is a veterinarian registered under the Veterinarians Act 1994.

1 Establishment charge:

A *Charge per animal slaughtered and dressed at establishment*

Lambs, goats, bobby calves	$0.16 per head
Sheep	$0.19 per head
Pigs	$0.40 per head
Cattle, horses	$1.12 per head
Deer	$1.76 per head
Other species (other than fish)	$0.15 per head

B *Hourly charges for verifiers—all sectors other than game sector*

			Animals for export	*Animals not for export*
(1)	Veterinary verifier—			
	(a)	non-shift rates:		
		per hour	$54.46	$56.27
		per hour at 1½ time	$65.18	$63.28
		per hour at double time	$86.91	$84.38
	(b)	shift rates	the relevant rate specified in paragraph (a), plus an additional rate of— (i) $16.20 per shift per verifier for morning shift (ii) $29.16 per shift per verifier for evening shift (iii) $39.96 per shift per verifier for night shift	
(2)	Supervising veterinary verifier—			
	(a)	non-shift rates:		
		per hour	$54.89	
		per hour at 1½ time	$65.83	
		per hour at double time	$87.77	
	(b)	shift rates	the relevant rate specified in paragraph (a), plus an additional rate of— (i) $16.20 per shift per verifier for morning shift (ii) $29.16 per shift per verifier for evening shift (iii) $39.96 per shift per verifier for night shift	

			Animals for export	*Animals not for export*
(3)	Non-veterinary verifier—			
	(a)	non-shift rates:		
		per hour	$39.96	$43.29
		per hour at 1½ time	$43.44	$43.81
		per hour at double time	$57.92	$58.41
	(b)	shift rates	the relevant rate specified in paragraph (a), plus an additional rate of— (i) $16.20 per shift per verifier for morning shift (ii) $29.16 per shift per verifier for evening shift (iii) $39.96 per shift per verifier for night shift	

C *Hourly charges for verifiers—game sector*

(1)	Veterinary verifier—		
(a)	non-shift rates:		
	per hour	$51.98	
	per hour at 1½ time	$63.44	
	per hour at double time	$84.59	
(b)	shift rates	the relevant rate specified in paragraph (a), plus an additional rate of— (i) $16.20 per shift per verifier for morning shift (ii) $29.16 per shift per verifier for evening shift (iii) $39.96 per shift per verifier for night shift	
(2)	Supervising veterinary verifier—		
(a)	non-shift rates:		
	per hour	$53.47	
	per hour at 1½ time	$65.67	
	per hour at double time	$87.56	
(b)	shift rates	the relevant rate specified in paragraph (a), plus an additional rate of— (i) $16.20 per shift per verifier for morning shift (ii) $29.16 per shift per verifier for evening shift (iii) $39.96 per shift per verifier for night shift	

2 Circuit charge:

A *Basic hourly charge on primary processors who slaughter or dress animals other than fish*

(a)	lambs, sheep, bobby calves, pigs, cattle, horses, goats, and deer, for each hour spent by a verifier in verification function	$11.19 per hour
(b)	game	$11.19 per hour

B *Basic hourly charge on secondary processors (other than processors of fish and operators of coolstores or other storage premises)*

(a)	for game processors, for each hour spent by a verifier in verification function	$11.19 per hour
(b)	for all other processors, for each hour spent by a verifier in verification function	$11.19 per hour

C *Annual charge for coolstores or other storage premises, and for processors of fish*

(To be pro-rated on a monthly basis where verification contract for less than a full year)

(a)	coolstores or other storage premises, per coolstore or other premises	$250.00 per annum
(b)	processing under a risk management programme (including on a fishing vessel) in respect of fish other than bivalve molluscan shellfish	$169.13 per annum
(c)	processing under a risk management programme in respect of bivalve molluscan shellfish	$1,328.83 per annum

D *Hourly charges for verifiers*

(For all verification activities)

(a)	non-veterinary verifier:	
	per hour	$65.56
	per hour at 1½ time	$70.11
	per hour at double time	$93.49
(b)	veterinary verifier:	
	per hour	$85.57
	per hour at 1½ time	$100.95
	per hour at double time	$134.60

Schedule 2

r 4(2)

Levies replacing those specified in Schedule 5 of Animal Products (Ancillary and Transitional Provisions) Act 1999

1 The levies set out in this schedule are payable by the operator of a risk management programme in respect of operations under the programme, and are payable irrespective of who performs any verification or other function in relation to the programme.

2 The levies per head set out in clauses 1 and 2 are exclusive of GST, and GST on those levies will be added to the total invoice.

1 *Levies per head where animals slaughtered and dressed (GST exclusive)*

The following levies are payable by the operators (not being homekill or recreational catch service providers) of premises or places where the animals specified are slaughtered and dressed (not being a plant in respect of which an inspection contract under Part IIIA of the Meat Act 1981 is in force, unless otherwise specified in the contract), on the basis of the number of animals slaughtered and dressed:

Lambs, sheep, bobby calves, goats	$0.11 per head
Pigs	$0.19 per head
Cattle, horses	$0.66 per head
Deer	$0.81 per head
Other species (other than fish)	$0.20 per head

2 *Additional levy on animals for export*

Operators who are required to pay a levy under clause 1 are also liable to pay the following additional levies if the animals concerned are slaughtered and dressed for export

Lambs, bobby calves	$0.04 per head
Sheep	$0.06 per head
Goats	$0.05 per head
Pigs	$0.18 per head
Cattle, horses	$0.39 per head

3 *Annual levies for fish:*

(a)	processors who operate risk management programmes covering fish other than bivalve molluscan shellfish	$3,816 per annum
(b)	processors who operate risk management programmes covering bivalve molluscan shellfish	$3,512 per annum

4	*Annual levy for coolstores and other storage premises to which none of clauses 1, 2, and 3 apply*		
	Operator of a coolstore or other storage premises covered by a risk management programme, per coolstore or other premises		$131 per annum
5	*Annual levy for animal processing that excludes slaughter*		
	Primary or secondary processor (to whom none of clauses 1, 2, 3, 4, and 6 apply) operating under a risk management programme in respect of the following operations:		
	(a)	processing for biological by-products	$200 per annum
	(b)	processing for works by-products	$400 per annum
	(c)	processing for other by-products	$250 per annum
	(d)	game depot operations	$280 per annum
	(e)	game packhouse operations	$350 per annum
	(f)	other packhouse operations	$550 per annum
	(g)	pet food operations	$350 per annum
6	*Monthly levy for fishing vessels:*		
	Fishing vessel operating under risk management programme		$293 per month

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 on 1 September 2001,—

- substitute new MAF verification fees and charges for those currently found in Part 4 of Schedule 4 of the Animal Products (Ancillary and Transitional Provisions) Act 1999:
- substitute new levies for those currently found in Schedule 5 of that Act.

The main aim of the new fees, charges, and levies is to ensure that costs are recovered at a comparable level with the amounts charged under Part IIIA of the Meat Act 1981 to persons who are not yet operating under a risk management programme under the new Animal Products Act regime.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 2 August 2001.
These regulations are administered in the Ministry of Agriculture and Forestry.