



Dairy Industry (Application Fees and Fonterra Levy) Regulations 2004

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 24th day of May 2004

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to sections 119 and 134 of the Dairy Industry Restructuring Act 2001, 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 Dairy Industry (Application Fees and Fonterra Levy) Regulations 2004.

2 Commencement

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

3 Levy

- (1) Fonterra Co-operative Group Limited must pay the following levies:
 - (a) \$490,106.25 for the financial year commencing on 1 July 2002 and ending on 30 June 2003; and
 - (b) \$393,750.00 for the financial year commencing on 1 July 2003 and ending on 30 June 2004.
- (2) The levies must be paid to the Minister within 28 working days after the commencement of these regulations.

4 Fee

- (1) The fee for applying to the Commission for a determination under section 120 of the Dairy Industry Restructuring Act 2001 is \$562.50.
- (2) That fee is payable to the Commission and must accompany an application made under section 120.

5 GST included

The levies under regulation 3 and the fee under regulation 4 are inclusive of goods and services tax.

Diane Morcom,
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 come into force on the 28th day after the date of their notification in the *Gazette*.

Regulation 3 specifies that the Fonterra Co-operative Group Limited must pay to the Minister—

- a levy of \$490,106.25 for the financial year commencing on 1 July 2002 and ending on 30 June 2003; and
- a levy of \$393,750.00 for the financial year commencing on 1 July 2003 and ending on 30 June 2004.

No levy is payable by the Fonterra Co-operative Group Limited for the financial year commencing on 1 July 2001 and ending on 30 June 2002.

The purpose of the levies is to pay the Commerce Commission's costs of making and enforcing determinations under the Dairy Industry Restructuring Act 2001 (the **Act**), and the costs of enforcing parts of the Act.

Regulation 4 sets out the fee payable if a person applies to the Commerce Commission for a determination to resolve any dispute that may arise with the Fonterra Co-operative Group Limited of the kind specified in section 120 of the Act.

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

Date of notification in *Gazette*: 27 May 2004.

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