



Fisheries (Cost Recovery) Amendment Rules 2022

Cindy Kiro, Governor-General

Order in Council

At Wellington this 23rd day of May 2022

Present:

The Right Hon Jacinda Ardern presiding in Council

These rules are made under section 263 of the Fisheries Act 1996—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Oceans and Fisheries made after complying with section 263(4) of that Act.

Contents

	Page
1 Title	1
2 Commencement	2
3 Principal rules	2
4 Rule 3 amended (Interpretation)	2
5 Rule 6 amended (Who must pay levies, and basis for levy)	2
6 Rule 10 replaced (Allocation of costs for aquaculture services)	2
10 Allocation of costs for aquaculture services	2

Rules

1 Title

These rules are the Fisheries (Cost Recovery) Amendment Rules 2022.

2 Commencement

These rules come into force on 1 July 2022.

3 Principal rules

These rules amend the Fisheries (Cost Recovery) Rules 2001.

4 Rule 3 amended (Interpretation)

(1) In rule 3(1), insert in their appropriate alphabetical order:

certificate of compliance has the meaning given by section 2(1) of the Resource Management Act 1991

fish-farm licence means a fish-farm licence issued under the Freshwater Fish Farming Regulations 1983

resource consent has the meaning given by section 2(1) of the Resource Management Act 1991

(2) In rule 3(1), revoke the definition of **coastal permit**.

5 Rule 6 amended (Who must pay levies, and basis for levy)

Replace rule 6(1)(d) and (e) with:

(d) fish farmers (being persons undertaking fish farming under fish-farm licences), on the basis of the number of fish-farm licences held by a fish farmer:

(e) fish farmers (being registered fish farmers), on the basis of the number of resource consents, certificates of compliance, or other authorisations held by a fish farmer in relation to a fish farm.

6 Rule 10 replaced (Allocation of costs for aquaculture services)

Replace rule 10 with:

10 Allocation of costs for aquaculture services

In respect of the aquaculture services specified in item 11 of the Schedule, costs are to be recovered from—

(a) fish farmers (being persons undertaking fish farming under fish-farm licences), on the basis of the number of fish-farm licences held by a fish farmer:

(b) fish farmers (being registered fish farmers), on the basis of the number of resource consents, certificates of compliance, or other authorisations held by a fish farmer in relation to a fish farm.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 1 July 2022, amend the Fisheries (Cost Recovery) Rules 2001 to change the basis on which levies in respect of fisheries and conservation services are to be paid by, and the costs in respect of aquaculture services are to be recovered from, fish farmers. The amendments provide that the levies are to be paid, and costs recovered, on the basis of—

- the number of fish-farm licences held by a fish farmer, if the fish farmer is undertaking fish farming under fish-farm licences issued under the Freshwater Fish Farming Regulations 1983; or
- the number of resource consents, certificates of compliance, or other authorisations held by a fish farmer in relation to a fish farm, if the fish farmer is registered under Part 9A of the Fisheries Act 1996.

Regulatory impact statement

The Ministry for Primary Industries produced a regulatory impact statement on 9 March 2022 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.mpi.govt.nz/legal/regulatory-impact-statements/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 26 May 2022.

These rules are administered by the Ministry for Primary Industries.