

FISHERIES AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill provides for the recovery of the Crown's costs in relation to commercial fisheries and amends the Fisheries Act 1983 and the Conservation Act 1987.

Clause by Clause Analysis

Clause 1 relates to the Short Title and commencement of the Bill. The Bill comes into force on 1 October 1994.

PART I

AMENDMENTS TO FISHERIES ACT 1983

Clause 2 amends section 63 of the principal Act to extend indefinitely the moratorium on the issue of fishing permits. The moratorium has been in effect since 18 December 1992 and was to end on 30 September 1994.

The clause also empowers the Director-General to convert certain special permits into fishing permits. The special permits concerned were issued under section 64 of the principal Act during the moratorium for various purposes set out in *subclause (3)*.

Cost Recovery

Clause 3 inserts into the principal Act new *sections 107EA to 107EH*.

Section 107EA empowers the imposition of levies by Order in Council on or after 1 October 1995.

Subsection (1) provides that levies may be imposed for the purpose of enabling the Crown to recover its costs in relation to one or more of the following:

- (a) The management of fisheries under the Fisheries Act 1983, the Marine Farming Act 1971, the Territorial Sea and Exclusive Economic Zone Act 1977, or the Conservation Act 1987;
- (b) The enforcement of the provisions relating to fisheries in those Acts;
- (c) Research relating to fisheries;
- (d) Any matter set out in new *section 60C (1)* of the Conservation Act 1987 (as set out in Part II of the Bill);
- (e) Other fisheries functions, duties, and powers;
- (f) Matters agreed between the Crown and the fishing industry under new *section 107EC*.

Subsection (2) defines the classes of persons on whom levies may be imposed and they are the following:

- (a) The holder of any quota (being a person to whom a quota has been issued or transferred and, in any case where a quota has been leased, including a person who, but for the lease, would for the time being be entitled to take fish under the quota, but not being a lessee of Crown held quota where the lessee holds a licence issued under the Territorial Sea and Exclusive Economic Zone Act 1977);
- (b) Any licensed fish receiver (being a person who holds a licence under the Fisheries (Licensed Fish Receivers) Regulations 1986) and any holder of a certificate of recognition under those regulations;
- (c) The holder of any fishing permit;
- (d) The holder of any special permit under section 64 of the principal Act;
- (e) The holder of any marine farming permit;
- (f) The holder of a lease or licence issued under the Marine Farming Act 1971;
- (g) The holder of any spat-catching permit;
- (h) The owner of any fishing vessel;
- (i) The holder of any licence under Part II of the Territorial Sea and Exclusive Economic Zone Act 1977;
- (j) The holder of any controlled fishery licence;
- (k) The holder of any other permit or licence issued under the principal Act.

Subsection (3) gives examples of the matters that may be included in a levy order.

Subsection (4) makes it clear that other charging mechanisms in the Act are not affected by this clause.

New sections 107EC to 107EF also contain provisions applying to levy orders. In particular, section 107EC requires the Minister to consult various persons on an annual basis before a levy order is made.

Section 107EB and new *Schedule 1E* provide that the Crown shall bear—

- (a) Ten percent of its own stock assessment costs associated with inshore fisheries research and shellfish research;
- (b) Five percent of its own stock assessment costs associated with pelagic fisheries research;
- (c) Twenty-five percent of its own costs associated with measures dealing with interfaces and resolving conflicts between commercial and non-commercial interests;
- (d) Thirteen percent of its costs in detecting fisheries offences;
- (e) One hundred percent of its costs in prosecuting fisheries offences;
- (f) One hundred percent of its costs associated with the management of Crown held fishing quota;
- (g) One hundred percent of its costs associated with the management of licensing of foreign licensed nations under the Territorial Sea and Exclusive Economic Zone Act 1977;
- (h) Thirty two and seven hundredths percent of other required services.

The persons referred to in section 107EA (2) may be made liable to bear all costs not required to be borne by the Crown.

Section 107EC requires the Minister to initiate a 2-stage annual consultation process by 1 March each year after 1995. The consultation process does not apply to an amending order to which section 107ED applies.

Subsection (1) requires annual consultation before a levy order is made.

Subsection (2) sets out the initial object of the consultation. The initial object is to ascertain, in respect of any following fishing year,—

- (a) The nature and extent of the services required to do the things set out in subsection (8) and the cost thereof; and
- (b) The amount or level or standard of the required services; and

- (c) The particular projects and activities required to meet the required services and the costs of such projects and activities; and
- (d) The method by which the costs referred to in *paragraphs (a) and (c)* above are to be shared or borne by persons referred to in new *section 107EA (2)* and the rate or level of fees necessary to recover cost of the required services, taking into account other fisheries charges and previous recoveries, and subject to the limitations imposed by new *section 107EB*.

Subsection (3) sets out the final object of consultation. The final object is to attempt to reach agreement as to the costs to be recovered under the new *section 107EA* and is to be conducted in the following 2 stages:

- (a) The first stage relates to those matters referred to in *paragraphs (a) and (b)* of *subsection (2)*, and the consultation must be with—
 - (i) The New Zealand Fishing Industry Association Incorporated; and
 - (ii) The New Zealand Federation of Commercial Fishermen (Incorporated); and
 - (iii) The Treaty of Waitangi Fisheries Commission; and
 - (iv) Such other persons or organisations as the Minister considers are representative of persons interested in the management and conservation of New Zealand fisheries and fisheries resources within New Zealand and New Zealand fisheries waters:
- (b) The second stage of consultation relates to those matters referred to in *paragraphs (c) and (d)* of *subsection (2)* of this section, and the consultation must be with—
 - (i) The New Zealand Fishing Industry Association Incorporated; and
 - (ii) The New Zealand Federation of Commercial Fishermen (Incorporated); and
 - (iii) The Treaty of Waitangi Fisheries Commission; and
 - (iv) Such other persons or organisations as the Minister considers are representative of persons likely to be affected by the proposed cost recovery.

Subsection (4) provides that if the Minister and the persons and organisations concerned reach such agreement, the required consultation is deemed to be concluded in accordance with the section.

Subsection (5) allows the Minister to determine the matters concerned if—

- (a) Twelve weeks have passed since the last of the persons or organisations to be consulted was first consulted; and
- (b) The Minister and the persons and organisations concerned have not reached agreement.

Subsection (6) provides that, in reaching a determination under *subsection (5)*, the Minister must have regard to—

- (a) All matters raised by the persons and organisations concerned during consultation; and
- (b) New *sections 107EA* and *107EB*.

Subsection (7) enables the parties to include additional matters in the consultation process but such additional matters cannot be determined by the Minister under *subsection (6)*.

Subsection (8) defines the term “required services”. The term covers the matters specified in *section 107EA (1)*, except for the Department of Conservation costs and any additional matters raised under *subsection (7)* of this section.

Section 107ED sets out the consultation required in the case of amending Orders in Council. Only those persons and organisations affected must be consulted.

Section 107EE allows the amendment of levy orders during the course of a fishing year. Any such amendment is subject to the provisions of *sections 107EA* to *107ED*, and *107EF*.

Section 107EF provides that levy orders expire after 12 months unless they provide otherwise.

Section 107EG sets out the time limits for the payment of levies.

Section 107EH provides for levies to be collected by the Ministry of Agriculture and Fisheries and to be separately accounted for.

Provisions Relating to Debts

Clause 4 repeals section 107I of the principal Act and substitutes new sections 107I to 107L.

Section 107I makes all fisheries related fees, charges, rentals, and levies subject to section 13A of the Ministry of Agriculture and Fisheries Act 1953. The effect of this provision is that the amount due is subject to a 10 percent penalty if it is not paid by the due date.

Section 107J provides for the Director-General to lodge a caveat against a person's quota where the person does not pay levies by the due date. The provision does not operate if the payment of levies has been waived. Where it does operate, it freezes the quota until the outstanding amount is paid in full.

The caveat—

- (a) Must be withdrawn by the Director-General if the outstanding amount is paid in full;
- (b) May be withdrawn by the Director-General if a repayment arrangement is accepted by him or her;
- (c) May be overridden by a Court.

Section 107K provides, for the purposes of the Companies Act 1955 and the Companies Act 1993, that outstanding amounts of levies imposed under *section 107EA* are to be included among the debts which are to be paid in priority to all other debts in the winding up of a company.

Section 107L provides for the suspension of a fishing permit or fish receiver's licence or controlled fishery licence for non-payment of levies imposed under *section 107EA*. The suspension does not operate if the payment of levies has been waived. Where it does operate, it effectively freezes the permit or licence until it is lifted.

A suspension under this section—

- (a) Must be lifted if the outstanding amount is paid in full;
- (b) May be lifted by the Director-General if a repayment arrangement is accepted by him or her;
- (c) May be lifted by a Court.

Clause 5 inserts new *Schedule 1E* into the principal Act. The Schedule sets out the fisheries costs that must be borne by the Crown.

Clause 6 imposes transitional levies on quota holders and permit holders. The rates of the levies are set out in the *Second Schedule* to the Bill.

The clause will expire on a date to be appointed by Order in Council.

Clause 7 provides for the making of an Order in Council appointing a date for the expiry of *clause 6*.

Clause 8 repeals provisions relating to resource rentals and consequentially amends various other provisions set out in the *Third Schedule* to the Bill. The clause also bars claims arising out of the repeal of compensation provisions relating to resource rentals. Those provisions would have operated as from 1 October 1994 if the Bill were not enacted.

Clause 9 is a savings provision relating to the remission of resource rentals under the principal Act. Persons entitled to a remission of resource rental payments made in respect of any period ending on 30 September 1994 will be paid the amount due so long as an application is made by the close of 31 December 1994.

PART II

AMENDMENT TO CONSERVATION ACT 1987

Clause 10 provides that *clause 11* is to be read with the Conservation Act 1987.

Clause 11 inserts into the principal Act new *section 60G*. The section empowers the making of levy orders to recover the Crown's costs in carrying out conservation functions relating to fishing. The section mirrors *section 107EA* of the Fisheries Act 1983 (as set out in *Part I* of the Bill) and incorporates by reference the provisions of *sections 107EC to 107EH* and *107J* and *107K* of that Act (as set out in that Part).

Hon. Doug Kidd

FISHERIES AMENDMENT

ANALYSIS

Title	107EH. Levies to be collected by Ministry and separately accounted for	
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2. Fishing permits	107I. Amounts payable under Act recoverable as statutory debts	
3. New sections inserted	107J. Caveats on quota	
<i>Cost Recovery</i>		107K. Priority of debts
107EA. Levies	107L. Suspension of permit or fish receiver's licence where levies unpaid	
107EB. Certain costs to be borne by the Crown	5. New Schedule 1E inserted	
107EC. Consultation required before levy order (other than amending order) made	6. Transitional levies in respect of period before commencement of first levy order under section 107EA of principal Act	
107ED. Consultation required before amending levy order made	7. Expiry of section 6	
107EE. Levy orders may be amended during fishing season	8. Repeals and amendments	
107EF. Levy orders to expire after a year unless otherwise provided	9. Saving	
107EG. Payment of levies	PART II	
	AMENDMENT TO CONSERVATION ACT 1987	
	10. Part to be read with Conservation Act 1987	
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A BILL INTITULED

An Act to amend the Fisheries Act 1983 and the Conservation Act 1987

BE IT ENACTED by the Parliament of New Zealand as follows:

- 5 **1. Short Title and commencement**—(1) This Act may be cited as the Fisheries Amendment Act 1994, and shall be read together with and deemed part of the Fisheries Act 1983* (in Part I of this Act referred to as the principal Act).

*R.S. Vol. 27, p. 137

Amendments: 1991, No. 149; 1992, No. 90; 1992, No. 137; 1993, No. 67

(2) This Act shall come into force on the 1st day of October 1994.

PART I

AMENDMENTS TO PRINCIPAL ACT

2. Fishing permits—(1) Section 63 (13) of the principal Act (as added by section 4 of the Fisheries Amendment Act (No. 3) 1992) is hereby amended—

(a) By omitting the words “in respect of the period beginning on the commencement of this subsection and ending with the close of the 30th day of September 1994”, and substituting the words “on and after the 1st day of October 1994”:

(b) By omitting from paragraph (a) the word “caught”, and substituting the words “lawfully took”:

(c) By omitting from paragraph (d) the word “species”, and substituting the word “fish”.

(2) Notwithstanding anything in section 63 of the principal Act, in the case of any person who, at the close of the 30th day of September 1994, held a special permit referred to in **subsection (3)** of this section, the following provisions shall apply:

(a) The Director-General may, but is not obliged to, issue to the person an appropriate fishing permit in place of the special permit:

(b) Where the Director-General issues a fishing permit to any person under this subsection, the special permit held by that person shall be deemed to be revoked as from the commencement of the day on which the fishing permit becomes effective.

(3) **Subsection (2)** of this section applies to every special permit issued pursuant to section 64 (1) (c) of the principal Act during the period commencing on the 18th day of December 1992 and ending with the close of the 30th day of September 1994, being a special permit granted for one or more of the following purposes:

(a) To rectify an administrative error:

(b) To reflect a change in the holder’s legal personality:

(c) To recognise a demonstrated record of investigation or development:

(d) To recognise a commitment in the form of investment:

(e) To recognise a debilitation by illness or injury:

(f) To recognise a commitment to international sporting events.

3. New sections inserted—The principal Act is hereby amended by inserting, after section 107E (as substituted by section 27 (1) of the Fisheries Amendment Act 1986), the following headings and sections:

5

“Cost Recovery

“107EA. **Levies**—(1) Subject to **sections 107EB to 107ED** of this Act, in respect of any period commencing on or after the 1st day of October 1995, the Governor-General may from time to time, by Order in Council made on the recommendation of the
10 Minister, impose levies on the persons referred to in **subsection (2)** of this section (or any of them) for the purpose of enabling the Crown to recover its costs in respect of one or more of the following:

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“(a) The management of fisheries under this Act or the Marine Farming Act 1971 or the Territorial Sea and Exclusive Economic Zone Act 1977 or the Conservation Act 1987:

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“(b) The enforcement of the provisions relating to fisheries in this Act or any other Act referred to in **paragraph (a)** of this subsection:

“(c) Research relating to fisheries:

“(d) Any matter referred to in **section 60G(1)** of the Conservation Act 1987:

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“(e) The performance or exercise of any other function, duty, or power conferred or imposed by any enactment relating to fisheries:

“(f) Any matter relating to fisheries that arises out of any agreement reached under **section 107Ec(7)** of this Act.

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“(2) Such levies may be imposed only on—

“(a) Any holder of any quota (being a person to whom a quota has been issued or transferred and, in any case where a quota has been leased, including a person who, but for the lease, would for the time being be entitled to take fish under the quota, but not being a lessee of Crown held quota where the lessee is the holder of a licence issued under the Territorial Sea and Exclusive Economic Zone Act 1977):

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“(b) Any licensed fish receiver (being a person who holds a licence under the Fisheries (Licensed Fish Receivers) Regulations 1986) and any holder of any certificate of recognition issued or renewed under those regulations:

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“(c) Any holder of any fishing permit:

- “(d) Any holder of any special permit issued under section 64 of this Act:
- “(e) Any holder of any marine farming permit:
- “(f) Any holder of a lease or licence issued under the Marine Farming Act 1971: 5
- “(g) Any holder of any spat-catching permit:
- “(h) Any owner of any fishing vessel:
- “(i) Any holder of any licence issued under Part II of the Territorial Sea and Exclusive Economic Zone Act 1977: 10
- “(j) Any holder of any controlled fishery licence:
- “(k) Any holder of any other permit or licence issued under this Act.
- “(3) Without limiting the generality of **subsection (1)** of this section, any such order may— 15
- “(a) Prescribe or provide for the fixing of, different rates of levy in respect of different classes of persons referred to in **subsection (2)** of this section, species or kinds of fish or aquatic life or seaweed, quantities of fish or aquatic life or seaweed, quota management areas, fishery management areas, or any combination of them: 20
- “(b) Prescribe, or provide for the fixing of, different rates of levy based on the value of quota, the port price of fish or aquatic life or seaweed landed, or on any other differential basis whatever relating to commercial fishing: 25
- “(c) Specify that a levy shall be payable on the basis of the amount of fish or aquatic life or seaweed or quota held or processed or taken during a specified period or on a specified day; or specify any other method for assessing that amount: 30
- “(d) Require records and returns to be made and furnished by persons by whom any levy is payable, and prescribe conditions relating to the making and furnishing of such records and returns: 35
- “(e) Prescribe a date by which, and the place at which, any levy is payable; and prescribe different dates for the payment of different levies; or authorise the Director-General to fix any such date or dates or place: 40
- “(f) Authorise the Director-General to remit or waive the payment of any levy, in whole or in part, in any specified case or class of cases:

5 “(g) Subject to **section 107EB (3)** of this Act, increase or reduce any specified percentage set out in Schedule 1E to this Act, or add to, omit, amend, or substitute any provision in that Schedule, or omit the Schedule and substitute a new Schedule:

“(h) Prescribe or provide for such other matters as may be necessary or expedient to give effect to any agreement under **section 107EC** of this Act.

10 “(4) Nothing in this section limits any other provision in this Act that requires the payment of, or empowers the imposition of, any fee, charge, levy, or rental relating to commercial fishing.

15 “107EB. **Certain costs to be borne by the Crown**—(1) The Crown shall bear the costs of the required services referred to in **paragraphs (a) to (c) of section 107EC (2)** of this Act to the extent specified in Schedule 1E to this Act.

“**(2) Both**—

20 “(a) The balance of the costs of such required services (being the amount outstanding after the Crown’s contribution has been deducted); and

“(b) Any costs arising from any agreement reached under **section 107EC (7)** of this Act—

shall be recoverable under **section 107EA** of this Act from the persons referred to in **subsection (2)** of that section.

25 “(3) Schedule 1E to this Act shall not be amended or substituted by Order in Council before the expiry of the period of 3 years beginning on the commencement of this section and, subject to **section 107EC** of this Act, thereafter it may be so amended or substituted only if no such amendment or substitution has been made within the immediately preceding period of 3 years.

35 “107EC. **Consultation required before levy order (other than amending order) made**—(1) In each year, but not later than the 31st day of March in that year, the Minister shall commence, or cause to be commenced, consultation in accordance with this section and no Order in Council (other than an order to which **section 107ED** of this Act applies) shall be made under **section 107EA** of this Act in any year unless such consultation has been concluded in that year in accordance with this section.

40 “(2) The initial object of consultation under this section is to ascertain, in respect of the following fishing year,—

“(a) The nature and extent of the required services and the cost of those services; and

- “(b) The amount or level or standard of the required services;
and
- “(c) The particular projects and activities required to meet the required services and the costs of such projects and activities; and 5
- “(d) The method by which the costs referred to in **paragraphs (a) and (c)** of this subsection are to be shared or borne by persons referred to in **section 107EA (2)** of this Act and the rate or level of levies necessary to recover the cost of the required services; and the foregoing provisions of this paragraph— 10
- “(i) Shall take into account—
- “(A) Fisheries related fees, levies, and other charges fixed by or under this Act (other than levies imposed under **section 107EA** of this Act) or the Marine Farming Act 1971 or the Territorial Sea and Exclusive Economic Zone Act 1977 (other than royalties under section 18 of that Act) or the Conservation Act 1987; and 15 20
- “(B) The amount recovered, or recoverable, by such fees, levies, and other charges, and by levies imposed under **section 107EA** of this Act, in respect of the period to which any order made under section 107EA of this Act, that is for the time being in force, applies; and 25
- “(ii) Shall be subject to the limitations imposed by **section 107EB** of this Act. 30
- “(3) The final object of consultation under this section is to attempt to reach agreement as to the costs to be recovered under **section 107EA** of this Act and the consultation shall be conducted as follows: 30
- “(a) In relation to the matters referred to in **paragraphs (a) and (b)** of **subsection (2)** of this section, the consultation shall be with— 35
- “(i) The New Zealand Fishing Industry Association Incorporated; and
- “(ii) The New Zealand Federation of Commercial Fishermen (Incorporated); and 40
- “(iii) The Treaty of Waitangi Fisheries Commission; and
- “(iv) Such other persons or organisations as the Minister considers are representative of persons interested in the management and conservation of 45

New Zealand fisheries and fisheries resources within New Zealand and New Zealand fisheries waters:

5 “(b) In relation to the matters referred to in paragraphs (c) and (d) of subsection (2) of this section, the consultation shall be with—

“(i) The New Zealand Fishing Industry Association Incorporated; and

“(ii) The New Zealand Federation of Commercial Fishermen (Incorporated); and

10 “(iii) The Treaty of Waitangi Fisheries Commission; and

“(iv) Such other persons or organisations as the Minister considers are representative of persons likely to be affected by the proposed cost recovery.

15 “(4) If the Minister and the persons and organisations concerned reach agreement under subsection (3) of this section on all matters referred to in paragraph (a) or paragraph (b) of that subsection, as the case may be, the consultation required by this section shall be deemed to have been concluded in

20 accordance with this section.
“(5) If—
“(a) Twelve weeks have passed since the last of the persons or organisations to be consulted was first consulted; and

25 “(b) The Minister and the persons and organisations concerned have not reached agreement under subsection (3) of this section on all matters referred to in paragraph (a) or paragraph (b) of that subsection, as the case may be,—

30 the Minister may determine the matters to which the consultation related and advise the persons and organisations concerned of the Minister’s determination and the reasons for it; and, in that case, the determination so advised shall be the agreement for the purposes of this section and the consultation

35 required by this section shall be deemed to have been concluded in accordance with this section.
“(6) In making a determination under subsection (5) of this section, the Minister shall have regard to—

40 “(a) All matters raised by the persons and organisations concerned during consultation; and

“(b) Sections 107EA and 107EB of this Act.

“(7) The Minister and the persons and organisations referred to in subsection (3) (b) of this section may agree that any activity or project, that is not a required service, be included in the

45 consultation on the cost sharing method referred to in

subsection (2) (d) of this section and be funded by way of a levy under **section 107EA** of this Act; but nothing in **subsection (5)** of this section shall apply to any activity or project to which an agreement under this subsection applies.

“(8) In this section, the term ‘required services’ means— 5

“(a) The management of fisheries under this Act or the Marine Farming Act 1971 or the Territorial Sea and Exclusive Economic Zone Act 1977 or the Conservation Act 1987:

“(b) The enforcement of the provisions relating to fisheries in this Act or any other Act referred to in **paragraph (a)** of this subsection: 10

“(c) Research relating to fisheries:

“(d) The performance or exercise of any other function, duty, or power conferred or imposed by any enactment relating to fisheries. 15

“**107ED. Consultation required before amending levy order made**—(1) Except as provided in **subsection (2)** of this section, before recommending the amendment of an Order in Council made under **section 107EA** of this Act, the Minister shall consult, or cause to be consulted, the persons or organisations referred to in **paragraphs (a) and (b)** of **section 107Ec (3)** of this Act who are affected by the proposed amendment. 20

“(2) Nothing in **subsection (1)** of this section or in **section 107Ec** of this Act requires any consultation to be carried out before recommending the making of an Order in Council making a verbal or formal amendment to an order made under **section 107EA** of this Act or correcting a typographical error. 25

“**107EE. Levy orders may be amended during fishing season**—Subject to **sections 107EA to 107ED**, and **107EF**, of this Act, an Order in Council made under **section 107EA** of this Act may be amended or revoked at any time and from time to time during any fishing year. 30

“**107EF. Levy orders to expire after a year unless otherwise provided**—Unless it expressly otherwise provides, every Order in Council made under **section 107EA** of this Act shall have effect for a period not exceeding 12 months. 35

“**107EG. Payment of levies**—Levies imposed by an Order in Council made under **section 107EA** of this Act shall be payable to the Director-General in accordance with the order or, if the order does not make such provision, either— 40

“(a) In the case of a monthly levy, not later than the 20th day of each month; or

“(b) In any other case, within 20 days after the receipt of a demand from the Director-General.

5 “107^{EH}. **Levies to be collected by Ministry and separately accounted for**—The Ministry shall collect all levies imposed under section 107^{EA} of this Act and those amounts shall be separately accounted for.”

10 **4. New sections substituted**—The principal Act is hereby amended by repealing section 107^I (as inserted by section 22 of the Fisheries Amendment Act (No. 2) 1992), and substituting the following heading and sections:

“Provisions Relating to Debts

15 “107^I. **Amounts payable under Act recoverable as statutory debts**—(1) Every amount (other than a fine or a penalty ordered by a Court to be paid in respect of an offence under this Act or any amount fixed under section 107^C (2) of this Act) that is payable under this Act to the Crown or the Ministry or the Director-General shall be deemed to be a statutory debt within the meaning of section 13^A of the Ministry of Agriculture and Fisheries Act 1953 and may be recovered in any Court of competent jurisdiction.

20 “(2) Notwithstanding anything in the said section 13^A and without limiting anything in subsection (5) of that section, the Director-General may, in respect of any amount or class of amount deemed by subsection (1) of this section to be a statutory debt within the meaning of that section, waive or defer the payment of all or any part by which the debt or any debt of that class has been or is liable to be increased under subsection (2) of that section.

30 “107^J. **Caveats on quota**—(1) Where any person who holds any fishing quota under this Act,—

“(a) Is liable to pay any levy imposed under section 107^{EA} of this Act, the payment of which has not been waived under section 107^I (2) of this Act; and

35 “(b) Does not pay the outstanding amount of the levy within the time specified in section 107^{EG} or allowed under section 107^I (2) of this Act,—

40 then, regardless of whether or not the levy has been imposed on that person as a quota holder, the Director-General may cause to be entered in the appropriate register under section 28^P or section 28^{ZR} of this Act a caveat forbidding any dealing in any quota held by that person.

“(2) Every caveat under this section shall be—

- “(a) In a form prescribed by the Director-General; and
- “(b) Contain a description sufficient to identify the quota holder; and
- “(c) State the outstanding amount of levy owed by the quota holder. 5
- “(3) Upon entry in a register of a caveat under **subsection (1)** of this section, the Director-General shall cause particulars of the caveat to be notified in a manner provided in section 88A of this Act to each person entered in the register as a holder of the quota concerned. 10
- “(4) The Director-General—
- “(a) Shall withdraw a caveat entered in a register under **subsection (1)** of this section if the outstanding amount (including any additional amount payable under section 13A of the Ministry of Agriculture and Fisheries Act 1953) is fully paid to the Ministry: 15
- “(b) May, conditionally or unconditionally, withdraw a caveat entered in a register under **subsection (1)** of this section if the Director-General and the person liable to pay the outstanding amount of the levy enter into an arrangement or agreement for repayment of that amount. 20
- “(5) So long as a caveat remains in force in respect of any quota,—
- “(a) No transfer or lease of that quota or of any interest in that quota shall be registered under section 28P or section 28Q or section 28ZR or section 28ZS of this Act; and 25
- “(b) No transfer or lease of that quota or of any interest in that quota shall confer any right to take fish on the transferee or lessee under that quota or interest; and 30
- “(c) No transfer or lease of that quota or of any interest in that quota shall be effective against the Crown in the event of forfeiture of the quota or interest pursuant to section 107B of this Act,— 35
- except to the extent that the Court orders otherwise under **subsection (6)** of this section.
- “(6) The Court may at any time, on application by—
- “(a) The holder of quota to which **subsection (5)** of this section applies; or 40
- “(b) Any person having an interest in such quota,—
- order that any or all of the provisions of that subsection shall not apply in respect of the quota, whether generally or in respect of any specified dealing in the quota. Any such order

may be subject to such sureties and conditions as the Court may specify.

5 “107K. **Priority of debts**—(1) For the purposes of Schedule 8c of the Companies Act 1955, any levy (including any amount by which the levy has been increased under section 13A of the Ministry of Agriculture and Fisheries Act 1953) payable under **section 107EA** of this Act shall have the priority accorded to sums referred to in clause 2 (j) of that Schedule.

10 “(2) For the purposes of the Seventh Schedule to the Companies Act 1993, any levy (including the amount of any such increase) payable under **section 107EA** of this Act shall have the priority accorded to sums referred to in clause 2 (j) of that Schedule.

15 “107L. **Suspension of permit or fish receiver’s licence where levies unpaid**—(1) Where any person who holds any fishing permit or fish receiver’s licence or controlled fishery licence under this Act—

20 “(a) Is liable to pay any levy imposed under **section 107EA** of this Act, the payment of which has not been waived under **section 107I (2)** of this Act; and

“(b) Does not pay the outstanding amount of the levy within 1 month after the date by which payment of the levy is due,—

25 then, regardless of whether or not the levy has been imposed on that person as a holder of such a permit or licence, the Director-General may, by notice in writing to that person, suspend any fishing permit or fish receiver’s licence or controlled fishery licence held by that person.

30 “(2) Where the holder concerned holds 2 or more fishing permits or fish receiver’s licences or controlled fishery licences, or holds any combination of 2 or more of them, the Director-General may suspend such of them as he or she considers appropriate.

35 “(3) Every fishing permit or fish receiver’s licence or controlled fishery licence suspended under this section shall cease to have any force or effect during the period of suspension.

“(4) The Director-General—

40 “(a) Shall lift a suspension under this section if the outstanding amount (including any additional amount payable under section 13A of the Ministry of Agriculture and Fisheries Act 1953) is paid to the Director-General:

“(b) May, conditionally or unconditionally, lift a suspension under this section if the Director-General and the person liable to pay the outstanding amount of the levy enter into an arrangement or agreement for repayment of that amount. 5

“(5) A Court may at any time, on application by the holder of a fishing permit or fish receiver’s licence or controlled fishery licence suspended under this section, by order lift the suspension. Any such order may be subject to such sureties and conditions as the Court may specify.” 10

5. New Schedule 1E inserted—The principal Act is hereby amended by inserting, after Schedule 1D (as inserted by section 23 of the Fisheries Amendment Act (No. 2) 1992), the Schedule 1E set out in the First Schedule to this Act.

6. Transitional levies in respect of period before commencement of first levy order under section 107EA of principal Act—(1) Until this section expires under section 7 of this Act, there shall be payable to the Director-General by every person specified in clause 2 or clause 3 of Part A of the Second Schedule to this Act the levies specified in relation to that person in Part B or Part C of that Schedule. 15 20

(2) The Ministry shall collect all levies imposed by this section and those amounts shall be separately accounted for.

(3) Sections 107I to 107L of the principal Act (as substituted by section 4 of this Act), with any necessary modifications, shall apply in respect of any levy payable under this section. 25

(4) The amounts specified in Part B or Part C of the Second Schedule to this Act are inclusive of any goods and services tax payable under the Goods and Services Tax Act 1985.

7. Expiry of section 6—Section 6 of this Act shall expire on a date to be appointed by the Governor-General by Order in Council and shall, as from the expiry of that section, be deemed to have been repealed. 30

8. Repeals and amendments—(1) Sections 28zC, 28zZB, 107F, 107G, and 107H of the principal Act, Schedules 1B and 1C to that Act, and Part II of Schedule 1D to that Act, are hereby repealed. 35

(2) The Fish Royalties Act 1985 and the Fish Royalties Amendment Act 1986 are hereby repealed.

(3) The following enactments are hereby consequentially repealed: 40

- (a) Section 28 of the Fisheries Amendment Act 1986:
- (b) Sections 28, 55, and 56 of the Fisheries Amendment Act 1990:
- 5 (c) Sections 6 (3), 6 (4), 10 (3), 10 (6), 12 (2), and 29 of the Fisheries Amendment Act 1991:
- (d) Section 21 of the Fisheries Amendment Act (No. 2) 1992:
- (e) Section 36 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- (4) The principal Act is hereby amended in the manner
- 10 indicated in the **Third Schedule** to this Act.
- (5) Nothing effected by this Act shall be regarded as making the Crown or any other person guilty of a civil wrong.

9. Saving—Notwithstanding the repeal of section 28zc of the principal Act by **section 8 (1)** of this Act, any amount payable to any person under subsection (4A) of that section (being the remission of any part of any resource rental payment) in respect of any period ending with the close of the 30th day of September 1994 shall be paid in accordance with that section if an application in respect of the amount is received by the

15
20 Director-General not later than the close of the 31st day of December 1994.

PART II

AMENDMENT TO CONSERVATION ACT 1987

10. Part to be read with Conservation Act 1987—This

25 Part of this Act shall be read together with and deemed part of the Conservation Act 1987* (in this Part of this Act referred to as the principal Act).

*1987, No. 65

Amendments: 1988, No. 131; 1988, No. 237; 1990, No. 31, ss. 2-47; 1990, No. 106; 1993, No. 9; 1993, No. 97

11. Levies in respect of commercial fisheries—The

30 principal Act is hereby amended by inserting, after section 60F (as inserted by section 3 of the Conservation Amendment Act (No. 2) 1988), the following section:

“60G. (1) Subject to this section, in respect of any period commencing on or after the 1st day of October 1995, the Governor-General may from time to time, by Order in Council

35 made on the recommendation of the Minister, impose levies on the persons referred to in **subsection (2)** of this section (or any of them) for the purpose of enabling the Crown to recover its costs in respect of one or more of the following:

- “(a) Research relating to the effects on any species protected by any conservation enactment of bycatch resulting from commercial fishing:
- “(b) The management measures necessary to avoid, remedy, or mitigate the adverse effects of commercial fishing on any species referred to in **paragraph (a)** of this subsection: 5
- “(c) Research relating to, and the management of, the effects of commercial fishing on any reserve proposed under any conservation enactment: 10
- “(d) Any other research or management measures necessary to enable the Minister to perform his or her functions and duties under any enactment, where the research or management arises because of the existence of commercial fishing. 15
- “(2) Such levies may be imposed only on—
- “(a) Any holder or any quota (being a person to whom a quota has been issued or transferred and, in any case where a quota has been leased, including a period who, but for the lease, would for the time being be entitled to take fish under the quota, but not being a lessee of Crown held quota where the lessee is the holder of a licence issued under the Territorial Sea and Exclusive Economic Zone Act 1977): 20
- “(b) Any licensed fish receiver (being a person who holds a licence under the Fisheries (Licensed Fish Receivers) Regulations 1986) and any holder of any certificate of recognition under those regulations: 25
- “(c) Any holder of any fishing permit: 30
- “(d) Any holder of any special permit issued under section 64 of this Act:
- “(e) Any holder of any marine farming permit:
- “(f) Any holder of any spat-catching permit:
- “(g) Any owner of any fishing vessel: 35
- “(h) Any holder of any licence issued under Part II of the Territorial Sea and Exclusive Economic Zone Act 1977:
- “(i) Any holder of any controlled fishery licence.
- “(3) Without limiting the generality of **subsection (1)** of this section, any such order may— 40
- “(a) Prescribe, or provide for the fixing of, different rates of levy in respect of different classes of persons referred to in **subsection (2)** of this section, species or kinds of fish or aquatic life or seaweed, quantities of 45

fish or aquatic life or seaweed, quota management areas, fishery management areas, or any combination of them:

5 “(b) Prescribe, or provide for the fixing of, different rates of levy based on the value of quota, the port price of fish or aquatic life or seaweed landed, or on any other differential basis whatever relating to commercial fishing:

10 “(c) Specify that a levy shall be payable on the basis of the amount of fish or aquatic life or seaweed or quota held or processed or taken during a specified period or on a specified day; or specify any other method for assessing that amount:

15 “(d) Require records and returns to be made and furnished by persons by whom any levy, fee, or charge is payable, and prescribe conditions relating to the making of such records and returns:

20 “(e) Prescribe a date by which, and the place at which, any levy is payable; and prescribe different dates for the payment of different levies; or authorise the Director-General to fix any such date or dates or place:

25 “(f) Authorise the Director-General to remit or waive the payment of any levy, in whole or in part, in any specified case or class of cases:

30 “(g) Prescribe or provide for such other matters as may be necessary or expedient to give effect to any agreement reached under **section 107EC** of the Fisheries Act 1983 (as applied by **subsection (5)** of this section).

“(5) The provisions of **sections 107EC to 107EH**, and **107J** and **107K**, of the Fisheries Act 1983 shall be deemed to apply in respect of any such levies as if—

35 “(a) Every reference to the Minister were a reference to the Minister of Conservation:

“(b) Every reference to the Director-General were a reference to the Director-General of Conservation:

“(c) Every reference to the Ministry were a reference to the Department of Conservation:

40 “(d) Every reference to an Order in Council made under **section 107EA** of that Act, or to levies payable under that section, were a reference to an Order in Council made or to levies payable under this section, as the case may be.

“(6) No levy in respect of any matter under this section shall be imposed on any person if a levy in respect of that matter has been imposed on that person under **section 107 EA (1) (d)** of the Fisheries Act 1983 and is for the time being in force.

“(7) Nothing in this section limits any other provision in this Act that requires the payment of, or empowers the imposition of, any royalty, rent, fee, or other charge. 5

“(8) In this section, the term ‘conservation enactment’ means the Conservation Act 1987 and any enactment specified in the First Schedule to that Act. 10

“(9) Unless the context otherwise requires, terms used in this section and defined in the Fisheries Act 1983 shall have in this section the meanings so defined.”

SCHEDULES

FIRST SCHEDULE

Section 5

NEW SCHEDULE 1E INSERTED IN PRINCIPAL ACT

“SCHEDULE 1E

Section 107Ea

PART A

FISHERIES RELATED COSTS TO BE BORNE BY CROWN

Item	Crown Contribution
Agreed stock assessment costs associated with—	
(a) Inshore fisheries research	10 percent
(b) Shellfish research	10 percent
(c) Pelagic fisheries research	5 percent
Management measures dealing with interfaces and resolving conflicts between commercial interests and between commercial and non-commercial interests	25 percent
Detection of fisheries offences	13 percent
Prosecutions	100 percent
Management of all Crown held fisheries quota	100 percent
Management of licensing of foreign licensed nations under the Territorial Sea and Exclusive Economic Zone Act 1977	100 percent
Costs of all other required services as defined in section 107Ec (8) of this Act (other than research relating to deep water and middle depth stock assessment research, and stock assessment methodologies)	32.07 percent

For the purposes of this Part of this Schedule,—

‘Agreed’, in relation to any costs, means agreed or determined pursuant to section 107Ec or section 107Ed of this Act:

‘Inshore fisheries’ means fish of the species specified as inshore species in Part B of this Schedule:

‘Pelagic fisheries’ means fish of the species specified as pelagic species in Part B of this Schedule:

‘Prosecutions’ means proceedings that have been commenced by the laying of an information or the presentation of an indictment:

‘Shellfish’ does not include squid (*Nototodarus gouldi* and *Nototodarus sloanii*).

FIRST SCHEDULE—*continued*NEW SCHEDULE 1E INSERTED IN PRINCIPAL ACT—*continued*"SCHEDULE 1E—*continued*

PART B

TABLES OF INSHORE AND PELAGIC SPECIES SPECIFIED FOR PURPOSES OF PART A OF SCHEDULE

COMMON NAME	SPECIES CODE	SCIENTIFIC NAME
	<i>Inshore Species</i>	
Alfonsino	BYX	<i>Beryx splendens</i> , <i>B. decadactylus</i>
Blue cod	BCO	<i>Parapercis colias</i>
Blue moki	MOK	<i>Latridopsis ciliaris</i>
Bluenose	BNS	<i>Hyperoglyphe antarctica</i>
Butterfish, greenbone	BUT	<i>Odax pullus</i>
Common (blue) warehou	WAR	<i>Seriolella brama</i>
Conger eel	CON	<i>Conger spp.</i>
Elephant fish	ELE	<i>Callorhynchus milii</i>
Flatfish:		
Black flounder	BLF	<i>Rhombosolea retiaris</i>
Brill	BRI	<i>Colistium guntheri</i>
Greenback flounder	GFL	<i>Rhombosolea tapirina</i>
Lemon sole	LSO	<i>Pelotretis flavilatus</i>
New Zealand sole	ESO	<i>Peltorhampus novaezeelandiae</i>
Sand flounder	SFL	<i>Rhombosolea plebeia</i>
Turbot	TUR	<i>Colistium nudipinnis</i>
Yellowbelly flounder	YBF	<i>Rhombosolea leporina</i>
Giant stargazer	STA	<i>Kathetostoma giganteum</i>
Grey mullet	GMU	<i>Mugil cephalus</i>
Groper:		
Bass	BAS	<i>Polyprion moeone</i>
Hapuku	HAP	<i>Polyprion oxygeneios</i>
John Dory	JDO	<i>Zeus faber</i>
Leatherjacket	LEA	<i>Parika scaber</i>
Long-finned fresh-water eel	LFE	<i>Anguilla dieffenbachii</i>
Octopus	OCT	<i>Octopus maorum</i>
Parore	PAR	<i>Girella tricuspidata</i>
Porae	POR	<i>Nemadactylus douglasi</i>
Quinnat salmon	SAM	<i>Oncorhynchus tshawytscha</i>
Red cod	RCO	<i>Pseudophycis bachus</i>
Red gurnard	GUR	<i>Chelidonichthys kumu</i>
Red moki	RMO	<i>Cheilodactylus spectabilis</i>
Rig, spotted dogfish	SPO	<i>Mustelus lenticulatus</i>
Rough skate	RSK	<i>Raja nasuta</i>
School shark	SCH	<i>Galeorhinus galeus</i>
Sea perch, Jock Stewart, Scarpee	SPE	<i>Helicolenus percoides</i>
Short-finned freshwater eel	SFE	<i>Anguilla australis</i>
Snapper	SNA	<i>Pagrus auratus</i>

FIRST SCHEDULE—*continued*NEW SCHEDULE 1E INSERTED IN PRINCIPAL ACT—*continued*“SCHEDULE 1E—*continued*”PART B—*continued*TABLES OF INSHORE AND PELAGIC SPECIES SPECIFIED FOR PURPOSES OF PART
A OF SCHEDULE—*continued*

COMMON NAME	SPECIES CODE	SCIENTIFIC NAME
Spiny dogfish	SPD	<i>Squalus acanthias</i>
Spotted gurnard	JGU	<i>Pterygotrigla picta</i>
Spotted stargazer	SPZ	<i>Genyagnus monopterygius</i>
Tarakihi	TAR	<i>Nemadactylus macropterus</i>
Trevally	TRE	<i>Pseudocaranx dentex</i>
Yellow-eyed mullet	YEM	<i>Aldrichetta forsteri</i>
<i>Pelagic Species</i>		
Albacore	ALB	<i>Thunnus alalunga</i>
Anchovy	ANC	<i>Engraulis australis</i>
Bigeye tuna	BIG	<i>Thunnus obesus</i>
Blue (English) mackerel	EMA	<i>Scomber australasicus</i>
Broadbill swordfish	SWO	<i>Xiphias gladius</i>
Butterfly tuna	BTU	<i>Gasterochisma melampus</i>
Garfish	GAR	<i>Hyporhamphus ihi</i>
Jack mackerel	JMA	<i>Trachurus declivis</i> , <i>T. novaezeelandiae</i> , <i>T. murphyi</i>
Kahawai	KAH	<i>Arripis trutta</i> , <i>A. xylabion</i>
Kingfish (yellowtail)	KIN	<i>Seriola ialandi</i>
Northern bluefin tuna	NTU	<i>Thunnus thynnus</i>
Pilchard	PIL	<i>Sardinops neopilchardus</i>
Ray's bream	RBM	<i>Brama brama</i>
Skipjack tuna	SKI	<i>Katsuwonus pelamis</i>
Southern bluefin tuna	STN	<i>Thunnus maccoyi</i>
Sprats	SPR	<i>Sprattus antipodum</i> , <i>S. muelleri</i>
Yellowfin tuna	YFN	<i>Thunnus albacares</i>
Striped marlin	STM	<i>Tetrapturus audax</i>
Black marlin	BKM	<i>Makaira indica</i>
Blue marlin	BEM	<i>Makaira nigricans</i> , <i>Makaira mazara</i>
Blue shark	BWS	<i>Prionace glauca</i>
Mako shark	MAK	<i>Isurus oxyrinchus</i> ”

Section 6

SECOND SCHEDULE

TRANSITIONAL LEVIES PAYABLE UNTIL EXPIRY OF **Section 6** OF PRINCIPAL ACT

PART A

GENERAL PROVISIONS

1. Interpretation—(1) In this Schedule—

“Holder”, in relation to quota,—

(a) Means any person to whom the quota has been issued or transferred; and

(b) In any case where the quota has been leased, includes any person who, but for the lease, would for the time being be entitled to take fish, aquatic life, or seaweed under the quota; but does not include a lessee of Crown held quota where the lessee is the holder of a licence issued under the Territorial Sea and Exclusive Economic Zone Act 1977:

“Set net permit holder” means any person who holds a fishing permit under section 63 of the principal Act entitling that person to take fish, aquatic life, or seaweed by means of a set net:

“Set net” includes a gill net, drift net, trammel net, or any other sort of net which acts by enmeshing, entrapping, or entangling any fish:

“Tuna fishing permit holder” means any person who holds a fishing permit issued under section 63 of the principal Act entitling that person to take tuna as defined in subsection (14) of that section.

(2) Expressions used in this Schedule and also in Part I of the Fisheries (Reporting) Regulations 1990, but not defined in **subclause (1)** of this clause, have the same meanings as in that Part of those regulations.**2. Levies on quota holders—**(1) There shall be payable to the Crown in respect of—

(a) Every guaranteed minimum transferable quota; and

(b) Every individual transferable quota; and

(c) Every guaranteed minimum transferable term quota; and

(d) Every transferable term quota,—

an annual levy for each tonne or part of a tonne of quota at the appropriate rate according to the species or class of fish, aquatic life, or seaweed as specified in **Part B** of this Schedule.

(2) The annual levy shall be payable in equal instalments on the last day of each calendar month and shall be payable by the person who is the holder of the quota on the date concerned.

(3) The annual levy shall be payable irrespective of whether or not the fish, aquatic life, or seaweed to which the quota relates is taken.

3. Levies on permits—(1) There shall be payable by every set net permit holder and every tuna fishing permit holder an annual levy of the amount specified in relation to such holders in **Part C** of this Schedule.

(2) The annual levy shall be payable 20 days after the receipt of a demand from the Director-General.

SECOND SCHEDULE—*continued*

TRANSITIONAL LEVIES PAYABLE UNTIL EXPIRY OF **Section 6** OF PRINCIPAL ACT—*continued*

PART B

LEVIES ON EACH TONNE OR PART THEREOF OF QUOTA

Fishstock			Amount of Levy in Respect of Ministry of Agriculture and Fisheries \$	Amount of Levy in Respect of Department of Conservation \$
BAR1	..	..	18.65	0.00
BAR10	..	..	0.00	0.00
BAR4	..	..	12.69	0.00
BAR5	..	..	10.71	0.00
BAR7	..	..	12.27	0.00
BCO1	..	..	20.00	0.14
BCO10	..	..	0.00	0.00
BCO2	..	..	58.77	0.43
BCO3	..	..	50.37	0.37
BCO4	..	..	27.37	0.20
BCO5	..	..	54.09	0.39
BCO7	..	..	46.99	0.34
BCO8	..	..	53.13	0.39
BNS1	..	..	106.40	0.77
BNS10	..	..	0.00	0.00
BNS2	..	..	60.44	0.44
BNS3	..	..	56.30	0.41
BNS7	..	..	38.86	0.28
BNS8	..	..	79.71	0.58
BYX1	..	..	59.77	0.44
BYX10	..	..	0.00	0.00
BYX2	..	..	59.77	0.44
BYX3	..	..	29.23	0.21
BYX7	..	..	26.57	0.19
BYX8	..	..	53.13	0.39
CRA1	..	..	820.20	0.00
CRA10	..	..	0.00	0.00
CRA2	..	..	1,335.16	0.00
CRA3	..	..	589.31	0.00
CRA4	..	..	1,377.25	0.00
CRA5	..	..	588.68	0.00
CRA6	..	..	432.66	0.00
CRA7	..	..	744.65	0.00
CRA8	..	..	1,149.53	0.00
CRA9	..	..	935.72	0.00
ELE1	..	..	13.28	0.10
ELE10	..	..	0.00	0.00
ELE2	..	..	49.07	0.36

SECOND SCHEDULE—*continued*TRANSITIONAL LEVIES PAYABLE UNTIL EXPIRY OF **Section 6** OF PRINCIPAL
ACT—*continued*PART B—*continued*LEVIES ON EACH TONNE OR PART THEREOF OF QUOTA—*continued*

Fishstock			Amount of Levy in Respect of Ministry of Agriculture and Fisheries \$	Amount of Levy in Respect of Department of Conservation \$
ELE3	..	..	76.17	0.55
ELE5	..	..	66.17	0.48
ELE7	..	..	47.99	0.35
FLA1	..	..	92.73	0.68
FLA10	..	..	0.00	0.00
FLA2	..	..	47.85	0.35
FLA3	..	..	43.48	0.32
FLA7	..	..	26.36	0.19
GMU1	..	..	104.82	0.76
GMU10	..	..	0.00	0.00
GMU2	..	..	4.49	0.03
GMU3	..	..	0.14	0.00
GMU7	..	..	2.66	0.02
GUR1	..	..	67.62	0.49
GUR10	..	..	0.00	0.00
GUR2	..	..	54.79	0.40
GUR3	..	..	35.64	0.26
GUR7	..	..	35.51	0.26
GUR8	..	..	27.90	0.20
HAK1	..	..	74.32	0.00
HAK10	..	..	0.00	0.00
HAK4	..	..	40.40	0.00
HAK7	..	..	48.31	0.00
HOK1	..	..	31.79	0.81
HOK10	..	..	0.00	0.00
HPB1	..	..	132.42	0.96
HPB10	..	..	0.00	0.00
HPB2	..	..	90.97	0.66
HPB3	..	..	77.48	0.56
HPB4	..	..	43.17	0.31
HPB5	..	..	69.12	0.50
HPB7	..	..	81.01	0.59
HPB8	..	..	66.41	0.48
JDO1	..	..	90.51	0.66
JDO10	..	..	0.00	0.00
JDO2	..	..	89.71	0.65
JDO3	..	..	26.57	0.19

SECOND SCHEDULE—*continued*TRANSITIONAL LEVIES PAYABLE UNTIL EXPIRY OF **Section 6** OF PRINCIPAL
ACT—*continued*PART B—*continued*LEVIES ON EACH TONNE OR PART THEREOF OF QUOTA—*continued*

Fishstock			Amount of Levy in Respect of Ministry of Agriculture and Fisheries \$	Amount of Levy in Respect of Department of Conservation \$
JDO7	..	..	59.33	0.43
JMA10	..	..	0.00	0.00
JMA7	..	..	19.13	0.14
LIN1	..	..	61.89	0.00
LIN10	..	..	0.00	0.00
LIN2	..	..	76.25	0.00
LIN3	..	..	57.27	0.00
LIN4	..	..	55.54	0.00
LIN5	..	..	55.45	0.00
LIN6	..	..	34.91	0.00
LIN7	..	..	62.33	0.00
MOK1	..	..	43.54	0.32
MOK10	..	..	0.00	0.00
MOK3	..	..	39.62	0.29
MOK4	..	..	18.27	0.13
MOK5	..	..	19.62	0.14
OEO1	..	..	44.76	0.00
OEO10	..	..	0.00	0.00
OEO3A	..	..	50.52	0.00
OEO4	..	..	58.95	0.00
OEO6	..	..	15.15	0.00
ORH1	..	..	84.20	0.00
ORH10	..	..	0.00	0.00
ORH2A	..	..	100.96	0.00
ORH2B	..	..	134.72	0.00
ORH3A	..	..	134.72	0.00
ORH3B	..	..	143.15	0.00
ORH7A	..	..	117.88	0.00
ORH7B	..	..	151.57	0.00
PAU1	..	..	1,041.08	0.00
PAU10	..	..	0.00	0.00
PAU2	..	..	1,726.67	0.00
PAU3	..	..	1,673.15	0.00
PAU4	..	..	1,575.55	0.00
PAU5	..	..	2,604.23	0.00
PAU6	..	..	1,189.79	0.00
PAU7	..	..	2,446.04	0.00

SECOND SCHEDULE—*continued*TRANSITIONAL LEVIES PAYABLE UNTIL EXPIRY OF **Section 6** OF PRINCIPAL
ACT—*continued*PART B—*continued*LEVIES ON EACH TONNE OR PART THEREOF OF QUOTA—*continued*

Fishstock			Amount of Levy in Respect of Ministry of Agriculture and Fisheries \$	Amount of Levy in Respect of Department of Conservation \$
PHC1	..	..	460.24	0.00
RCO1	..	..	31.39	0.23
RCO10	..	..	0.00	0.00
RCO2	..	..	25.59	0.19
RCO3	..	..	15.38	0.11
RCO7	..	..	15.53	0.11
SCA7	..	..	546.27	0.00
SCH1	..	..	94.21	0.69
SCH10	..	..	0.00	0.00
SCH2	..	..	47.31	0.34
SCH3	..	..	60.71	0.44
SCH4	..	..	30.16	0.22
SCH5	..	..	83.76	0.61
SCH7	..	..	67.21	0.49
SCH8	..	..	79.84	0.58
SKI1	..	..	103.14	0.00
SKI10	..	..	0.00	0.00
SKI2	..	..	62.70	0.00
SKI3	..	..	20.48	0.00
SKI7	..	..	48.83	0.00
SNA1	..	..	554.16	4.03
SNA10	..	..	0.00	0.00
SNA2	..	..	169.70	1.24
SNA3	..	..	13.28	0.10
SNA7	..	..	99.37	0.72
SNA8	..	..	264.31	1.92
SPO1	..	..	147.53	1.07
SPO10	..	..	0.00	0.00
SPO2	..	..	73.15	0.53
SPO3	..	..	81.75	0.60
SPO7	..	..	77.09	0.56
SPO8	..	..	73.62	0.54
SQU10T	..	..	0.00	0.00
SQU1J	..	..	7.81	0.20
SQU1T	..	..	11.45	0.29
SQU6T	..	..	7.94	0.20

SECOND SCHEDULE—*continued*

TRANSITIONAL LEVIES PAYABLE UNTIL EXPIRY OF **Section 6** OF PRINCIPAL ACT—*continued*

PART B—*continued*

LEVIES ON EACH TONNE OR PART THEREOF OF QUOTA—*continued*

Fishstock			Amount of Levy in Respect of Ministry of Agriculture and Fisheries \$	Amount of Levy in Respect of Department of Conservation \$
STA1	..	..	19.92	0.15
STA10	..	..	0.00	0.00
STA2	..	..	41.41	0.30
STA3	..	..	52.80	0.38
STA4	..	..	15.74	0.11
STA5	..	..	51.96	0.38
STA7	..	..	39.33	0.29
STA8	..	..	0.08	0.00
SWA1	..	..	36.50	0.00
SWA10	..	..	0.00	0.00
SWA3	..	..	53.55	0.00
SWA4	..	..	39.67	0.00
TAR1	..	..	81.68	0.59
TAR10	..	..	0.00	0.00
TAR2	..	..	56.27	0.41
TAR3	..	..	31.94	0.23
TAR4	..	..	22.42	0.16
TAR5	..	..	13.67	0.10
TAR7	..	..	33.06	0.24
TAR8	..	..	28.56	0.21
TRE1	..	..	94.34	0.69
TRE10	..	..	0.00	0.00
TRE2	..	..	51.04	0.37
TRE3	..	..	26.57	0.19
TRE7	..	..	51.86	0.38
WAR1	..	..	41.51	0.30
WAR10	..	..	0.00	0.00
WAR2	..	..	37.87	0.28
WAR3	..	..	25.28	0.18
WAR7	..	..	48.31	0.35
WAR8	..	..	35.78	0.26

SECOND SCHEDULE—continued

TRANSITIONAL LEVIES PAYABLE UNTIL EXPIRY OF Section 6 OF PRINCIPAL ACT—continued

PART C

ANNUAL LEVIES ON PERMITS

	\$
1. Set net permit holders	63.14
2. Tuna fishing permit holders	63.14

Section 8 (4)

THIRD SCHEDULE

AMENDMENTS TO PRINCIPAL ACT CONSEQUENTIAL ON REPEAL OF PROVISIONS RELATING TO RESOURCE RENTALS

Provision Amended	Amendment
28OF	<p>By repealing paragraph (b) of the definition of the term "compensation balance" in subsection (1) (as inserted by section 15 of the Fisheries Amendment Act 1990).</p> <p>By repealing the definition of the term "extended compensation period" in subsection (1) (as substituted by section 6 (3) of the Fisheries Amendment Act 1991).</p> <p>By repealing subsection (3) (as added by section 6 (4) of the Fisheries Amendment Act 1991).</p>
28OH (4)	By omitting the words "or (if appropriate) the extended compensation period" (as substituted by section 8 of the Fisheries Amendment Act 1991).
28OJ	<p>By omitting from subsection (1)(a) (as inserted by section 15 of the Fisheries Amendment Act 1990) the word "during" where it secondly occurs, and substituting the words "in respect of".</p> <p>By repealing paragraph (b) of subsection (1) (as so inserted).</p> <p>By omitting from subsection (1)(c) (as so inserted and as amended by section 10 (3) of the Fisheries Amendment Act 1991) the words "and (if appropriate) the extended compensation period,".</p> <p>By omitting from subsection (2) (as so inserted and as amended by section 10 (6) of the Fisheries Amendment Act 1991) the words "or (if appropriate) the extended compensation period".</p>

THIRD SCHEDULE—*continued*

AMENDMENTS TO PRINCIPAL ACT CONSEQUENTIAL ON REPEAL OF
PROVISIONS RELATING TO RESOURCE RENTALS—*continued*

Provision Amended	Amendment
28OL	<p>By omitting from subsection (1) (b) (ii) (as inserted by section 15 of the Fisheries Amendment Act 1990) the words “the 30th day of September 1994”, and substituting the words “all payments by way of the remission of resource rentals, being payments made on applications lodged in accordance with section 9 of the Fisheries Amendment Act 1994, have been made”.</p> <p>By omitting from subclause (3) (as so inserted and as amended by section 12 (2) of the Fisheries Amendment Act 1991) the words “at the end of any subsequent quarter occurring within the extended compensation period”, and substituting the words “after all amounts of resource rentals payable in respect of any period ending with the close of the 30th day of September 1994 have been paid and all payments by way of the remission of resource rentals, being payments made on applications lodged in accordance with section 9 of the Fisheries Amendment Act 1994, have been made”.</p>