



**THE FISHERIES (CROWN CONTRIBUTION) ORDER 1995**

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CATHERINE A. TIZARD, Governor-General

**ORDER IN COUNCIL**

At Wellington this 26th day of September 1995

Present:

THE RIGHT HON. J. B. BOLGER PRESIDING IN COUNCIL

PURSUANT to sections 107<sup>EA</sup> (3) (g) and 107<sup>EB</sup> (4) of the Fisheries Act 1983 (as inserted by section 3 of the Fisheries Amendment Act 1994 and amended by section 5 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995), Her Excellency the Governor-General, on the recommendation of the Minister of Fisheries and acting by and with the advice and consent of the Executive Council, hereby makes the following order.

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**ORDER**

**1. Title and commencement**—(1) This order may be cited as the Fisheries (Crown Contribution) Order 1995.

(2) This order shall come into force on the 1st day of October 1995.

**2. New Schedule 1E substituted in Fisheries Act 1983**—The Fisheries Act 1983 is hereby amended by repealing Schedule 1E (as inserted by section 5 of the Fisheries Amendment Act 1994), and substituting the new Schedule 1E set out in the Schedule to this order.

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SCHEDULE  
NEW SCHEDULE 1E SUBSTITUTED IN FISHERIES ACT 1983

Section 107EB

## "SCHEDULE 1E

## FISHERIES RELATED COSTS TO BE BORNE BY CROWN

Item	Crown Contribution (Percent)
Strategic fisheries policy ... ..	100
Fisheries resource sustainability ... ..	77
Fisheries resource utilisation ... ..	73
Fisheries specifications and planning ... ..	0
Compliance service specifications and planning ... ..	50
Servicing the dispute resolution Commissioners ... ..	100
Servicing the Minister ... ..	100
Servicing the National Fisheries Advisory Council ... ..	100
Compliance education and advice ... ..	100
Detection of offences—aquaculture ... ..	0
Detection of offences—commercial inshore finfish ... ..	0
Detection of offences—commercial offshore ... ..	0
Compliance liaison—commercial ... ..	0
Detection of offences—international ... ..	100
Detection of offences—national compliance and corporate management ... ..	0
Detection of offences—poaching/blackmarket ... ..	25
Detection of offences—recreational fisheries ... ..	100
Detection of offences—traditional Maori fisheries ... ..	100
Evidence and forfeit property management ... ..	100
Prosecution management and advocacy ... ..	100
Prosecution support services ... ..	100
Contract negotiation ... ..	16
Contract monitoring and audit ... ..	16
Registry services (excluding Crown quota management and foreign vessel licensing) ... ..	0
Crown quota management ... ..	100
Foreign vessel licensing ... ..	100
Management of fisheries reporting ... ..	0
Observation services ... ..	0
Crown revenue management ... ..	0
Non-departmental other expenses management ... ..	0
Deepwater fisheries resources research ... ..	0
Middle depths fisheries resources research ... ..	0
Inshore finfish fisheries resources research (excluding research projects relating to eels and blue cod) ... ..	25
Fisheries resources research on blue cod ... ..	60
Fisheries resources research on eels ... ..	50
Pelagic fisheries resources research ... ..	5
Shellfish fisheries resources research (excluding research projects relating to rock lobster, pua, pipis, tuatua, and cockles) ... ..	10
Shellfish fisheries research on pipis, tuatua, or cockles ... ..	75

SCHEDULE—*continued*NEW SCHEDULE 1E SUBSTITUTED IN FISHERIES ACT 1983—*continued*“SCHEDULE 1E—*continued*”FISHERIES RELATED COSTS TO BE BORNE BY CROWN—*continued*

Item	Crown Contribution (Percent)
Shellfish fisheries research on rock lobster or paua ...	25
Recreational fisheries research ... ..	100
Environmental research (excluding research on scallop enhancement projects) ... ..	50
Environmental research on scallop enhancement projects	0
Fisheries stock assessment methodology ... ..	16
Research advice and support to the Ministry of Fisheries on stock assessment and research planning ... ..	0
Research advice and support to the Ministry of Fisheries excluding research on stock assessment and research planning ... ..	100
Costs of conservation services referred to in section 107 <sup>EA</sup> (1) (d) of the Fisheries Act 1983 ...	0

*Definitions*

For the purposes of this Schedule,—

‘Compliance education and advice’ means educational programmes and advice to resource users to influence higher levels of compliance with fisheries laws:

‘Compliance liaison’ means supporting fisheries management consultation networks, and liaising with various organisations including industry and trade organisations, environmental groups, Maori representatives, and recreational fishing organisations:

‘Compliance service specifications and planning’ means advice on appropriate compliance policies, specifications, and standards for the delivery of quality fisheries compliance services to meet legislative requirements including input into strategic policy development, multi-year plans, and cost recovery processes:

‘Contract monitoring and audit’ means the monitoring and audit of performance against contract requirements:

‘Contract negotiation’ means the selection of appropriate service providers for contestable services including the negotiation of contracts:

‘Crown quota management’ means the management of all Crown-held quota:

SCHEDULE—*continued*NEW SCHEDULE 1E SUBSTITUTED IN FISHERIES ACT 1983—*continued*“SCHEDULE 1E—*continued*”FISHERIES RELATED COSTS TO BE BORNE BY CROWN—*continued*

- ‘Crown revenue management’ means the management of revenue collected on behalf of the Crown including deemed value and cost recovery levies:
- ‘Deepwater fisheries resources research’ means research projects which aim to produce information on the stock structure, productivity, distribution, ecology, biomass, and sustainable yields of deepwater resources including orange roughy, oreos, and associated species:
- ‘Detection of offences’ means the monitoring and surveillance of fishing and fish product flows, the inspection of vessels, licensed fish receivers, and dealers in fish product, the analysis of intelligence, the substantive audit and investigative examination of business records, the investigation of illegal fishing activities including the payment of rewards to informers, and providing advice on specific enforcement issues:
- ‘Environmental research’ means research projects to develop and apply methods to ensure fisheries resource use takes account of the impacts on associated species and the aquatic environment including the impacts of diseases, exotic species, and species protected by New Zealand laws:
- ‘Evidence and forfeit property management’ means the management of seized property and evidence, including management, advice, and disposal of forfeit property:
- ‘Fisheries resource sustainability’ means operational policy advice on appropriate fisheries regimes to ensure the sustainability of fisheries resources including the setting of environmental principles, plans to mitigate the impacts of resource use on the environment, fish, and other species, stock assessment processes, the scientific plenary process, the setting of total allowable catch levels, and the setting of environmental standards:
- ‘Fisheries resource utilisation’ means operational policy advice and services to the Minister and resource users on the allocation of fisheries, including advice on the setting of total allowable commercial catch levels, facilitation of stakeholders in setting up management arrangements for species, areas, or fishing methods, allocation of access for traditional Maori fishing rights, and allocation of access for recreational fishers:
- ‘Fisheries resources research on blue cod’ means research projects which aim to produce information on the stock structure, productivity, distribution, ecology, biomass, and sustainable yields of blue cod:
- ‘Fisheries resources research on eels’ means research projects which aim to produce information on the stock structure, productivity, distribution, ecology, biomass, and sustainable yields of conger eels, long-finned fresh-water eels, or short-finned freshwater eels:
- ‘Fisheries specifications and planning’ means advice on appropriate specifications and standards for policy advice, and the delivery of

SCHEDULE—*continued*NEW SCHEDULE 1E SUBSTITUTED IN FISHERIES ACT 1983—*continued*“SCHEDULE 1E—*continued*”FISHERIES RELATED COSTS TO BE BORNE BY CROWN—*continued*

fisheries services and fisheries research which meet the Government's obligations including advice on plans for multi-year fisheries management and research requirements and cost recovery processes:

- ‘Fisheries stock assessment methodology’ means research projects to develop and apply methods for the estimation of such factors as fish abundance, distribution, and productivity and other factors critical to the evaluation of management options and the determination of sustainable yields:
- ‘Foreign vessel licensing’ means the management of licensing of foreign craft under the Territorial Sea and Exclusive Economic Zone Act 1977:
- ‘Inshore finfish fisheries resources research’ means research projects which aim to produce information on the stock structure, productivity, distribution, ecology, biomass, and sustainable yields of inshore finfish resources including elephant fish, groper, red cod, rig, school shark, and snapper but excluding eels and blue cod:
- ‘Management of fisheries reporting’ means information collection services and the management of information systems for all statutory and non-statutory reporting of fishing and fish product flow including the management of catch and effort returns, quota management reports, catch landing returns, licensed fish receiver returns, recreational catch data, and marine farming reports, and including the monitoring and analysis of information from statutory reporting and fisheries registries:
- ‘Middle depths fisheries resources research’ means research projects which aim to produce information on the stock structure, productivity, distribution, ecology, biomass, and sustainable yields of middle depths resources including barracouta, blue warehou, gemfish, hake, hoki, ling, silver warehou, and southern blue whiting:
- ‘Non-departmental other expenses management’ means the management of payments including Crown-owned quota levies and compensation levy remissions:
- ‘Observation services’ means the collection of real time information by monitoring vessel activity and catch at sea, and monitoring the transferring of fish products at sea or in port. This also includes the management of related systems to store this information:
- ‘Pelagic fisheries resources research’ means research projects which aim to produce information on the stock structure, productivity, distribution, ecology, biomass, and sustainable yields of pelagic resources including albacore, jack mackerel, kahawai, skipjack tuna, southern bluefin tuna, and kingfish (yellowtail) and other game fish species:

SCHEDULE—*continued*NEW SCHEDULE 1E SUBSTITUTED IN FISHERIES ACT 1983—*continued*“SCHEDULE 1E—*continued*”FISHERIES RELATED COSTS TO BE BORNE BY CROWN—*continued*

- ‘Prosecution management and advocacy’ means fisheries prosecution management and advocacy services including legal expenses:
- ‘Prosecution support services’ means services required to support prosecutions taken against detected offences including the costs of technical support and expert witnesses:
- ‘Recreational fisheries research’ means research projects which aim to produce information on the abundance and productivity of resources harvested by recreational fishers and to estimate the size of recreational take, including research projects on various inter-tidal shellfish species such as surfclams, paua, cockles, mussels, toheroa, blue cod, rock lobster, and gamefish species:
- ‘Registry services’ means services to allocate access and other approvals required for harvesting, processing, and aquaculture activity, and the management of registries which record these allocations including quota allocations and transactions, by-catch trade processes, the issuing of permits and vessel registrations, and deemed value and monthly balance calculations:
- ‘Research advice and support to the Ministry of Fisheries’ means scientific expertise in support of other services provided in other classes of outputs including input to training courses for observers, forensic science advice services, management decision-making processes, and international fisheries management and scientific discussions:
- ‘Servicing the dispute resolution Commissioners’ means services for the resolution of fisheries access disputes through the appointment of Commissioners and the operation of inquiry processes:
- ‘Servicing the Minister’ means the preparation of draft replies to Ministerial correspondence and Parliamentary questions as required by the Minister of Fisheries:
- ‘Servicing the National Fisheries Advisory Council’ means servicing an advisory committee, if established, known as the National Fisheries Advisory Council, to allow it to provide an additional stream of advice on matters relating to fisheries policies, cost recovery, and management regimes:
- ‘Shellfish fisheries research on pipis, tuatua, or cockles’ means research projects which aim to produce information on the stock structure, productivity, distribution, ecology, biomass, and sustainable yields of pipis, tuatua, or cockles:
- ‘Shellfish fisheries research on rock lobster or paua’ means research projects which aim to produce information on the stock structure, productivity, distribution, ecology, biomass, and sustainable yields of rock lobster or paua:
- ‘Shellfish fisheries resources research’ means research projects which aim to produce information on the stock structure, productivity, distribution, ecology, biomass, and sustainable yields of shellfish

SCHEDULE—*continued*NEW SCHEDULE 1E SUBSTITUTED IN FISHERIES ACT 1983—*continued*“SCHEDULE 1E—*continued*”FISHERIES RELATED COSTS TO BE BORNE BY CROWN—*continued*

fisheries resources excluding rock lobster, paua, pipis, tuatua, and cockles:

‘Strategic fisheries policy’ means strategic policy advice relating to traditional Maori, commercial, and non-commercial resource use, aquaculture, enhancement, the impacts of resource use on the environment, fish, and other species, and New Zealand’s obligations under international agreements.”

MARIE SHROFF,  
Clerk of the Executive Council.

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EXPLANATORY NOTE

*This note is not part of the order, but is intended to indicate its general effect.*

This order substitutes a new schedule for the existing Schedule 1E to the Fisheries Act 1983, which sets out the percentage of fisheries related costs that are to be borne by the Crown. These percentages have relevance in determining the amount of levies to be imposed on persons involved in the fishing industry.

The new *Schedule 1E* sets out the various management, enforcement, and research cost items in much greater detail than the existing Schedule, and specifies the relevant Crown contribution percentage for each item.

The new Schedule takes effect from 1 October 1995.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 28 September 1995.  
This order is administered in the Ministry of Fisheries.