



THE FISHERIES (COST RECOVERY LEVIES) ORDER 1995

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of November 1995

Present:

THE RIGHT HON. DON MCKINNON PRESIDING IN COUNCIL

PURSUANT to section 107EA of the Fisheries Act 1983 and section 7 of the Fisheries Amendment Act 1994, Her Excellency the Governor-General, on the recommendation of the Minister of Fisheries given with the concurrence of the Minister of Conservation and following consultation carried out in accordance with section 107EC of the Fisheries Act 1983, and acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ANALYSIS

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| <ul style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Levies on quota holders 4. Non-ITQ levies 5. Levies on individual catch limits 6. Controlled fishery licence levy 7. Levies on permits 8. Aquaculture levies 9. Fish receivers' levy | <ul style="list-style-type: none"> 10. Offshore fishing vessel levy 11. Canterbury Bight and Pegasus Bay gill net fishery levies 12. Levies exclusive of goods and services tax 13. How and when levies payable 14. Expiry of section 6 of and Second Schedule to Fisheries Amendment Act 1994 Schedule |
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ORDER

1. Title and commencement—(1) This order may be cited as the Fisheries (Cost Recovery Levies) Order 1995.

(2) This order shall come into force on the 1st day of December 1995, and applies in respect of the year commencing with the 1st day of December 1995.

2. Interpretation—Except where the context otherwise requires, fishstock codes and other expressions used in the Schedule to this order have the same meanings as in Parts I and II of the Second Schedule to the Fisheries (Reporting) Regulations 1990*.

3. 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 A of the Schedule to this order.

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

4. Non-ITQ levies—Every commercial fisherman who takes any fish, aquatic life, or seaweed specified in Part B of the Schedule to this order shall pay an annual levy for each tonne or part of a tonne of fish, aquatic life, or seaweed so taken, at the appropriate rate of levy specified in that Part.

5. Levies on individual catch limits—(1) Every southern blue whiting permit holder and every Coromandel scallop fishery permit holder shall pay an annual levy for each tonne or part of a tonne of the individual catch limit specified in the holder's fishing permit at the appropriate rate specified in Part C of the Schedule to this order.

(2) The annual levy shall be payable irrespective of whether or not the individual catch limit specified in the holder's permit is taken.

6. Controlled fishery licence levy—(1) Every holder of a controlled fishery licence for—

- (a) The Foveaux Strait dredge oyster fishery; or
- (b) The Lake Ellesmere eel fishery; or
- (c) The Coromandel scallop fishery—

shall pay the levy specified in Part D of the Schedule to this order in respect of each boat authority issued in respect of a vessel specified in the licence.

(2) The levy payable under this clause shall be payable irrespective of whether or not any shellfish or eels have been taken from the relevant vessel.

7. Levies on permits—(1) Every holder of a commercial fishing permit authorising the taking of scallops or oysters in Quota Management Area 4—South-East (Chatham Rise) shall pay an annual levy of the

amount specified in relation to such holders in Part E of the Schedule to this order.

(2) Every holder of a commercial fishing permit who furnishes (or is required to furnish) a return in accordance with the Fisheries (Reporting) Regulations 1990* indicating the use of set net or drift net fishing methods in respect of Quota Management Area 3—South-East (Coast) shall pay an annual levy of the amount specified in relation to such holders in Part E of the schedule to this order.

(3) In this regulation—

“Quota Management Area 4—South-East (Chatham Rise)” means the area defined as such in the Second Schedule to the Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986†:

“Quota Management Area 3—South-East (Coast)” means the area defined as such in the Second Schedule to the Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986†, but with the exclusion of Lake Ellesmere.

8. Aquaculture levies—(1) Every holder of, or lessee or licensee of,—

- (a) A marine farm permit; or
- (b) A spat-catching permit; or
- (c) A marine farm lease; or
- (d) A marine farm licence; or
- (e) A freshwater farming licence—

issued under or granted in accordance with the Fisheries Act 1983, the Marine Farming Act 1971, or the Freshwater Fish Farming Regulations 1983‡ shall pay the levy specified in Part F of the Schedule to this order in respect of every such permit, lease, or licence.

(2) The levy payable under subclause (1) of this regulation shall be payable in respect of every permit, lease, or licence held irrespective of whether the activity authorised by the permit, lease, or licence is undertaken in fact.

9. Fish receivers' levy—Every holder of a fish receiver's licence or certificate of recognition issued under the Fisheries (Licensed Fish Receivers) Regulations 1986§ shall pay the annual levy specified in Part G of the Schedule to this order.

10. Offshore fishing vessel levy—Every owner of a fishing vessel that is required by the Fisheries (Satellite Vessel Monitoring) Regulations 1993|| to carry an automatic location communicator shall pay the annual levy specified in Part H of the Schedule to this order.

11. Canterbury Bight and Pegasus Bay gill net fishery levies—

(1) Every holder of a commercial fishing permit who furnishes (or is required to furnish) a return in accordance with the Fisheries (Reporting) Regulations 1990* indicating the use of set net or drift net fishing methods in respect of statistical areas 020 and 022 shall pay an annual levy of the amount specified in relation to such holders in Part I of the Schedule to this order.

*S.R. 1990/214
 †S.R. 1986/267
 ‡S.R. 1983/278
 §S.R. 1986/190
 ||S.R. 1993/354

(2) In this regulation, the term “statistical area” has the same meaning as in the Fisheries (Reporting) Regulations 1990*, except that Lake Ellesmere shall not be treated as included in the statistical areas referred to in subclause (1) of this regulation.

12. Levies exclusive of goods and services tax—The levies payable under this order are exclusive of any goods and services tax payable under the Goods and Services Tax Act 1985.

13. How and when levies payable—(1) The levies payable under these regulations—

(a) Shall be payable only after receipt of a demand from the chief executive:

(b) Except in the case of the levies payable under regulations 7 (2) and 8 of these regulations, shall be due and payable in such number of instalments and in such manner as the chief executive may specify.

(2) The levies payable under regulations 7 (2) and 8 of these regulations shall be payable 20 days after the receipt of a demand from the chief executive.

14. Expiry of section 6 of and Second Schedule to Fisheries Amendment Act 1994—(1) Section 6 of the Fisheries Amendment Act 1994, and the Second Schedule to that Act, shall expire on the 1st day of December 1995.

(2) Nothing in subclause (1) of this regulation extinguishes any liability arising under section 6 of the Fisheries Amendment Act 1994, or the Second Schedule to that Act, before the commencement of this order.

Regs 3 to 11

SCHEDULE

LEVIES

Reg. 3

PART A

LEVIES ON QUOTA HOLDERS

Fisheries Management Services

Fishstock	Levy (\$/tonne)	Fishstock	Levy (\$/tonne)
BAR1	35.52	GUR8	32.64
BAR4	18.48	HAK1	28.44
BAR5	64.80	HAK4	27.60
BAR7	18.48	HAK7	24.72
BCO1	64.68	HOK1	33.12
BCO2	59.76	HPB1	103.44
BCO3	58.80	HPB2	83.52
BCO4	41.76	HPB3	82.56
BCO5	60.72	HPB4	58.92
BCO7	109.32	HPB5	81.60
BCO8	59.76	HPB7	84.12
BNS1	66.60	HPB8	83.52
BNS2	61.68	JDO1	97.08
BNS3	117.60	JDO2	70.56
BNS7	62.28	JDO3	69.12
BNS8	61.68	JDO7	71.04
BYX1	42.00	JMA7	23.40
BYX2	41.16	LIN1	26.04
BYX3	40.56	LIN2	21.84
BYX7	41.04	LIN3	28.56
BYX8	40.44	LIN4	21.96
CRA1	722.40	LIN5	69.24
CRA2	722.40	LIN6	22.92
CRA3	775.44	LIN7	21.84
CRA4	718.20	MOK1	37.08
CRA5	779.52	MOK3	31.92
CRA6	961.80	MOK4	31.44
CRA7	717.00	MOK5	31.44
CRA8	724.80	OEO1	22.08
CRA9	718.20	OEO3A	108.48
ELE1	60.12	OEO4	108.48
ELE2	55.32	OEO6	22.08
ELE3	63.24	ORH1	31.32
ELE5	53.28	ORH2A	58.56
ELE7	55.80	ORH2B	58.56
FLA1	60.36	ORH3A	59.28
FLA2	55.56	ORH3B	196.32
FLA3	54.48	ORH7A	44.04
FLA7	56.04	ORH7B	31.32
GMU1	48.84	PAU1	698.40
GMU2	44.04	PAU2	782.52
GMU3	42.60	PAU3	693.00
GMU7	44.52	PAU4	693.00
GUR1	60.00	PAU5A	883.80
GUR2	80.40	PAU5B	874.32
GUR3	41.40	PAU5D	874.32
GUR7	37.80	PAU6	16,627.20

SCHEDULE—continued

LEVIES—continued

PART A—continued

LEVIES ON QUOTA HOLDERS—continued

Fisheries Management Services—continued

Fishstock	Levy (\$/tonne)	Fishstock	Levy (\$/tonne)
PAU7	694.68	SQU1T	18.60
PHC1	565.92	SQU6T	18.60
RCO1	32.28	STA1	37.56
RCO2	74.52	STA2	83.04
RCO3	35.88	STA3	46.08
RCO7	31.80	STA4	31.68
SCA7	240.96	STA5	82.32
SCH1	60.36	STA7	39.84
SCH2	55.44	STA8	36.12
SCH3	54.48	SWA1	16.44
SCH4	43.80	SWA3	16.92
SCH5	99.84	SWA4	62.76
SCH7	56.04	TAR1	81.96
SCH8	56.88	TAR2	99.84
SKI1	77.52	TAR3	45.84
SKI2	124.44	TAR4	35.88
SKI3	62.76	TAR5	35.88
SKI7	16.44	TAR7	42.24
SNA1	323.16	TAR8	37.80
SNA2	117.48	TRE1	45.72
SNA3	55.80	TRE2	35.16
SNA7	816.60	TRE3	33.72
SNA8	124.44	TRE7	37.20
SPO1	77.76	WAR1	18.48
SPO2	60.60	WAR2	18.48
SPO3	80.88	WAR3	66.00
SPO7	73.44	WAR7	18.48
SPO8	60.60	WAR8	18.48
SQU1J	16.44		

Conservation Services

Fishstock	Levy (\$/tonne)
HAK1	2.16
HAK7	2.16
HOK1	0.48
SQU1T	2.04
SQU6T	2.64
JMA7	1.08

SCHEDULE—*continued*LEVIES—*continued*

Reg. 4

PART B

NON-ITQ LEVIES

Fisheries Management Services

Fishstock	Levy (\$/tonne)	Fishstock	Levy (\$/tonne)
ALB	76.92	PPI	65.64
BIG	72.72	QSC	72.84
BSH	15.48	RBM	15.48
BUT	53.04	RBY	15.48
CDL	21.00	RIB	30.96
COC1	111.60	RSK	22.56
COC2	67.56	SAE	100.20
COC3	73.56	SCA1	1,117.56
COC4	67.56	SCI1	512.28
COC5	73.56	SCI2	512.28
COC7	73.56	SCI3	333.48
COC8	67.56	SCI4	333.48
COC9	67.56	SCI5	333.48
EMA	18.96	SCI6A	333.48
FRO	21.00	SCI6B	333.48
GSH	36.84	SCI7	333.36
JMA1	20.64	SCI8	333.36
JMA3	20.64	SCI9	333.36
KAH1	76.08	SFE	143.28
KAH2	71.88	SKA	22.56
KAH3	76.32	SKJ	73.80
KIN	15.48	SPD	33.48
LDO	15.48	SPE	37.08
LEA	27.12	SSK	22.56
LFE	143.28	STN	65.76
MDI	100.20	SUR1	60.00
MMI	100.20	SUR2	60.00
OCT	39.48	SUR3	60.00
OYS7	71.28	SUR4	60.00
PAD1	38.40	SUR5	67.92
PAD2	38.40	SUR7	60.00
PAD3	38.40	SUR8	60.00
PAD4	36.24	SUR9	55.56
PAD5	36.24	SWO	72.72
PAD7	38.40	TUA	75.00
PAD8	38.40	WWA	21.00
PAD9	38.40	YFN	72.72
PDO	100.20		

SCHEDULE—continued

LEVIES—continued

PART B—continued

NON-ITQ LEVIES—continued

Conservation Services

Fishstock	Levy (\$/tonne)
SBW	1.68
STN	798.12
BIG	375.12
YFN	375.12
SWO	375.12

PART C

LEVIES ON INDIVIDUAL CATCH LIMITS

Reg. 5

Fishstock	Levy (\$/tonne)
SBW	27.96
Coromandel scallops	1,117.76

PART D

CONTROLLED FISHERY LICENCE LEVY

Reg. 6

Fishery	Levy (\$ per boat authority)
Foveaux Strait dredge oyster	5,828.40
Lake Ellesmere eels	376.56
Coromandel scallops	376.56

SCHEDULE—continued

LEVIES—continued

Reg. 7

PART E

LEVIES ON PERMITS

Permit/Activity	Levy (\$ per annum)
Permit authorising taking of SCA4	607.08
Permit authorising taking of OYS4	607.08
Use of set nets/drift nets in Quota Management Area 3	79.56

Reg. 8

PART F

AQUACULTURE LEVIES

Permit or Interest Held	Levy (\$ per each permit, lease, or licence)
Marine farm permit	86.59
Spat catching permit	86.59
Marine farm lease	86.59
Marine farm licence	86.59
Freshwater fish farm licence	86.59

Reg. 9

PART G

FISH RECEIVERS' LEVY

Description	Levy (\$ per licence/ certificate)
Holder of fish receivers' licence or certificate of recognition	1,497.36

SCHEDULE—continued

LEVIES—continued

PART H

Reg. 10

OFFSHORE FISHING VESSEL LEVY

Description	Levy (\$ per vessel)
Owner of fishing vessel carrying automatic location communicator	1,334.76

PART I

Reg. 11

CANTERBURY BIGHT/PEGASUS BAY GILL NET LEVIES

Conservation Services

Description	Levy (\$ per annum)
Use of set nets/drift nets in Canterbury Bight/Pegasus Bay gill net fishery	2,354.76

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

This order repeals section 6 of and the Second Schedule to the Fisheries Amendment Act 1994, which impose transitional levies for the purpose of recovering the Crown's costs in respect of specified fisheries services and conservation services, and substitutes new levies.

The new levies recover the balance of the costs of the services referred to in paragraphs (a) to (c) of section 107EC (2) of the Fisheries Act 1983 (as inserted by section 3 of the Fisheries Amendment Act 1994), after the Crown's contribution to those costs, as set out in the recently-made Fisheries (Crown Contribution) Order 1995 (S.R. 1995/205), have been deducted.

The new levies take effect from 1 December 1995.

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

Date of notification in *Gazette*: 30 November 1995.

This order is administered in the Ministry of Fisheries.