



THE FISHERIES (COST RECOVERY LEVIES) ORDER 1996

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 23rd day of September 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 107EA of the Fisheries Act 1983, His 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.

ANALYSIS

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ORDER

1. Title and commencement—(1) This order may be cited as the Fisheries (Cost Recovery Levies) Order 1996.

(2) This order shall come into force on the 1st day of October 1996, and applies in respect of the year commencing with that day.

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. Monthly levies on quota holders—(1) There shall be payable to the Crown in respect of—

- (a) Every guaranteed minimum individual transferable quota; and
- (b) Every individual transferable quota; and
- (c) Every guaranteed minimum transferable term quota; and
- (d) Every transferable term quota—

a monthly 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 monthly levy for each tonne or part of a tonne of quota of Northland scallops (as defined by section 2 of the Fisheries Act 1996) and specified in Part A of the Schedule to this order, shall be payable only for the months of the year that Northland scallops are subject to one of the quota specified in subclause (1) of this clause.

(3) The monthly 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 annual levies—(1) Every holder of a fishing permit issued under section 63 of the Fisheries Act 1983 and every holder of a special permit granted under section 64(1)(c) of that Act who takes for the purposes of sale 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.

(2) Where, during the course of a year, Northland scallops (as defined by section 2 of the Fisheries Act 1996) and specified in Part B of the Schedule to this order become subject to one of the quota specified in clause 3(1) to these regulations, the levy payable under subclause (1) of this clause shall only be payable for each tonne or part of a tonne of Northland scallops caught during that part of the year when Northland scallops are not subject to quota.

5. Annual levies on individual catch limits—(1) Every holder of a fishing permit issued under section 63 of the Fisheries Act, and every holder of a special permit granted under section 64(1)(c) of that Act who takes for the purposes of sale any southern blue whiting or any Coromandel scallop 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. Annual 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 or levies specified in Part D of the Schedule to this order in respect of every such permit, lease, or licence held at any time during the fishing year.

(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.

(3) For the purposes of this clause, the terms “lessee” and “licensee” do not include sublessees or sublicensees or assignees of leases, licences, or permits.

7. 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 E of the Schedule to this order.

(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.

8. Vessel and permit holder levy—(1) The levy specified in Part F of the Schedule to this order is payable in respect of every—

- (a) Fishing vessel registered under section 57 of the Fisheries Act 1983; and
- (b) Fishing permit issued under section 63 of that Act; and
- (c) Special permit granted under section 64 (1) (c) of that Act who takes any fish, aquatic life, or seaweed for the purposes of sale.

(2) Any levy payable under this clause is payable by the owner of the vessel or the holder of the permit, as the case may be.

(3) Where a fishing vessel is registered under section 57 of the Fisheries Act 1983 during a year and the annual levy payable under subclause (1) of this clause has been paid in respect of that vessel, no further levy shall be payable in respect of that vessel for that year.

9. Levy on quota holders in respect of balance notifications—

(1) Subject to this clause, every holder of quota who is notified during the year of any of the matters specified in paragraphs (a) to (h) of regulation 6 of the Fisheries (Catch Against Quota) Regulations 1993‡ shall pay a levy in respect of each such balance notification of the amount specified in Part G of the Schedule to this order.

*S.R. 1983/278
 †S.R. 1990/214
 ‡S.R. 1993/28

(2) Nothing in subclause (1) of this clause applies to a holder of quota whose only notification (whether one or more) under that regulation 6 is a notification under paragraph (c) of that regulation of the allocation to that person's quota of an amount of landed catch of less than 50 kilogrammes.

(3) For the purposes of this clause, the terms "holder of quota" and "quota" have the same meaning as in the Fisheries (Catch Against Quota) Regulations 1993*.

10. General client liaison levy—There shall be payable to the Crown by—

(a) Every holder of—

- (i) Guaranteed minimum individual transferable quota; and
- (ii) Individual transferable quota; and
- (iii) Guaranteed minimum transferable term quota; and
- (iv) Transferable term quota; and

(b) Every holder of a fish receiver's licence or certificate of recognition issued under the Fisheries (Licensed Fish Receivers) Regulations 1986†; and

(c) Every holder of a fishing permit issued under section 63 of the Fisheries Act 1983 and every holder of a special permit issued under section 64 (1) (c) of that Act who takes for the purposes of sale any fish, aquatic life, or seaweed—

the annual client liaison levy specified in Part H of the Schedule to this order.

11. Crown receipts levy—There shall be payable to the Crown by—

(a) Every holder of—

- (i) Guaranteed minimum transferable quota; and
- (ii) Individual transferable quota; and
- (iii) Guaranteed minimum transferable term quota; and
- (iv) Transferable term quota; and

(b) Every holder of a fish receiver's licence or certificate of recognition issued under the Fisheries (Licensed Fish Receivers) Regulations 1986†; and

(c) Every holder of a fishing permit issued under section 63 of the Fisheries Act 1983 and every holder of special permit issued under section 64 (1) (c) of that Act who takes for the purposes of sale any fish, aquatic life, or seaweed; and

(d) Every holder of, or lessee or licensee of,—

- (i) A marine farm permit; or
- (ii) A spat catching permit; or
- (iii) A marine farm lease; or
- (iv) A marine farm licence; or
- (v) A fish-farm licence—

issued under or granted in accordance with the Fisheries Act 1983, the Marine Farming Act 1971, or the Freshwater Fish Farming Regulations 1983‡—

an annual levy in respect of the administration of Crown receipts and payments as specified in Part I of the Schedule to this order.

(2) For the purposes of this clause, the terms "lessee" and "licensee" do not include sublessees or sublicensees or assignees of leases, licences, or permits.

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—The levies payable under these regulations shall be payable only after receipt of a demand from the chief executive and payable in such number of instalments and in such manner as the chief executive may specify.

14. Revocation—(1) The Fisheries (Cost Recovery Levies) Order 1995* is hereby revoked.

(2) Nothing in subclause (1) of this clause extinguishes any liability arising before the commencement of this order under the Fisheries (Cost Recovery Levies) Order 1995 (as amended by section 318 of the Fisheries Act 1996).

*S.R. 1995/280

SCHEDULE

LEVIES

Reg. 3

PART A

MONTHLY LEVIES ON QUOTA HOLDERS

Fisheries Management Services

Fishstock	Monthly Levy (\$/tonne) (GST excl)	Fishstock	Monthly Levy (\$/tonne) (GST excl)
BAR1	0.36	HAK1	1.77
BAR4	0.28	HAK4	3.67
BAR5	0.28	HAK7	1.77
BAR7	0.28	HOK1	1.59
BCO1	5.13	HPB1	9.37
BCO2	5.13	HPB2	7.39
BCO3	5.13	HPB3	7.39
BCO4	3.00	HPB4	4.40
BCO5	5.13	HPB5	7.39
BCO7	5.13	HPB7	7.39
BCO8	5.13	HPB8	7.39
BNS1	5.84	JDO1	8.32
BNS2	14.32	JDO2	7.01
BNS3	5.84	JDO3	7.01
BNS7	5.84	JDO7	7.01
BNS8	5.84	JMA1	1.01
BYX1	3.51	JMA3	0.45
BYX2	3.51	JMA7	0.39
BYX3	3.51	LIN1	1.28
BYX7	3.51	LIN2	1.28
BYX8	3.51	LIN3	3.43
CRA1	85.49	LIN4	3.43
CRA2	85.49	LIN5	1.52
CRA3	97.97	LIN6	1.53
CRA4	97.97	LIN7	1.28
CRA5	97.97	MOK1	2.11
CRA6	94.38	MOK3	2.11
CRA7	95.48	MOK4	2.11
CRA8	95.48	MOK5	2.11
CRA9	72.83	OEO1	3.89
ELE1	3.51	OEO3A	3.89
ELE2	3.51	OEO4	3.89
ELE3	5.78	OEO6	3.89
ELE5	3.51	ORH1	5.22
ELE7	3.51	ORH2A	5.84
FLA1	5.03	ORH2B	5.84
FLA2	5.03	ORH3A	5.84
FLA3	5.03	ORH3B	12.17
FLA7	5.03	ORH7A	4.78
GMU1	5.19	ORH7B	5.75
GMU2	3.51	OYS7	5.33
GMU3	3.51	PAU1	36.40
GMU7	3.51	PAU2	36.40
GUR1	3.43	PAU3	36.40
GUR2	2.11	PAU4	36.40
GUR3	4.38	PAU5A	61.86
GUR7	8.61	PAU5B	61.86
GUR8	2.11	PAU5D	61.86

SCHEDULE—continued

LEVIES—continued

PART A—continued

MONTHLY LEVIES ON QUOTA HOLDERS—continued

Fisheries Management Services—continued

Fishstock	Monthly Levy (\$/tonne) (GST excl)	Fishstock	Monthly Levy (\$/tonne) (GST excl)
PAU6	36.40	SQU1J	0.82
PAU7	61.86	SQU1T	0.84
PHC1	50.09	SQU6T	1.15
RCO1	1.06	STA1	2.93
RCO2	1.06	STA2	2.93
RCO3	3.33	STA3	5.19
RCO7	7.56	STA4	2.34
SCA1	149.17	STA5	2.93
SCA7	29.58	STA7	9.42
SCH1	4.01	STA8	2.93
SCH2	4.01	SWA1	0.82
SCH3	4.01	SWA3	0.82
SCH4	2.73	SWA4	0.82
SCH5	4.01	TAR1	6.58
SCH7	4.01	TAR2	4.68
SCH8	4.01	TAR3	2.80
SKI1	6.64	TAR4	2.69
SKI2	6.64	TAR5	2.69
SKI3	2.68	TAR7	9.19
SKI7	2.68	TAR8	2.69
SNA1	47.22	TRE1	3.46
SNA2	7.01	TRE2	2.34
SNA3	5.26	TRE3	2.34
SNA7	8.66	TRE7	2.34
SNA8	13.23	WAR1	1.30
SPO1	7.04	WAR2	1.30
SPO2	5.41	WAR3	2.27
SPO3	9.30	WAR7	0.66
SPO7	7.04	WAR8	1.30
SPO8	5.41		

Conservation Services

Fishstock	Monthly Levy (\$/tonne)	Fishstock	Monthly Levy (\$/tonne)
HAK1	0.07	LIN4	0.33
HAK4	0.07	LIN5	0.07
HAK7	0.07	LIN6	0.33
HOK1	0.04	LIN7	0.07
JMA7	0.09	SQU1T	0.10
LIN3	0.33	SQU6T	0.39

SCHEDULE—continued

LEVIES—continued

Reg. 4

PART B

LEVIES ON NON-ITQ SPECIES
Fisheries Management Services

Fishstock	Annual Levy (\$/tonne) (GST excl)	Fishstock	Annual Levy (\$/tonne) (GST excl)
ALB	35.62	SCA1	1,790.04
BIG	262.81	SCA9	1,790.04
BSH	4.83	SCI1	356.18
BUT	47.05	SCI2	356.18
CDL	4.83	SCI3	356.18
COC	32.94	SCI4	356.18
EMA	5.63	SCI5	307.38
FRO	4.12	SCI6A	356.18
GSH	15.24	SCI6B	356.18
KAH	89.78	SCI7	307.38
KIN	26.71	SCI8	307.38
LDO	8.37	SCI9	307.38
LEA	12.73	SFE	214.12
LFE	214.12	SKA	6.37
OCT	26.71	SKJ	27.21
OYS5	127.41	SPD	7.62
PAD	11.19	SPE	12.70
PPI	32.94	SSK	26.71
PTO	22.54	STN	713.64
QSC	86.13	SUR	26.03
RBM	8.37	SWO	248.64
RIB	19.09	TRU	8.37
RBY	8.37	TUA	32.94
RSK	6.37	WWA	10.50
RSN	52.13	YFN	248.64

Conservation Services

Fishstock	Annual Levy (\$/tonne)
SBW	2.04
STN	364.92
BIG	281.76
YFN	281.76
SWO	281.76

SCHEDULE—*continued*LEVIES—*continued*

PART C

Reg. 5

LEVIES ON INDIVIDUAL CATCH LIMITS

Fishstock	Annual Levy (\$/tonne)
SBW	42.64
Coromandel scallops	1,553.95

PART D

Reg. 6

AQUACULTURE LEVIES

Permit or Interest Held	Annual Levy (\$ per each licence, lease, or permit)
Holders of marine farm permits, spat catching permits, marine farm leases, marine farm licences, freshwater fish farm licences	107.90
Holders of marine farm permits, spat catching permits, marine farm leases, marine farm licences, and freshwater fish farm licences permitted to farm/catch shellfish	27.46

PART E

Reg. 7

CANTERBURY BIGHT/PEGASUS BAY GILL NET FISHERIES

Conservation Services

Description	Annual Levy (\$)
Use of set nets/drift nets in Canterbury Bight/Pegasus Bay gill net fishery	2,356.82

SCHEDULE—*continued*LEVIES—*continued*

Reg. 8

PART F

VESSEL/PERMIT HOLDERS' LEVY

Description	Annual Levy (\$ per vessel or permit)
Every owner of a fishing vessel and every holder of a fishing permit	347.14

Reg. 9

PART G

BALANCE NOTIFICATIONS LEVY

Description	Levy (\$ per each monthly balance notification)
Every holder of quota who is issued with a notification under regulation 6 of the Fisheries (Catch Against Quota) Regulations 1993	9.75

Reg. 10

PART H

CLIENT LIAISON LEVY

Description	Annual Levy (\$)
Every holder of quota, every holder of a fishing permit, and every holder of a fish receiver's licence ...	90.56

SCHEDULE—*continued*LEVIES—*continued*

PART I

Reg. 11

CROWN RECEIPTS LEVY

Description	Annual Levy (\$ per each holder of quota and for each licence, lease, or permit)
Each holder of quota	239.40
Each holder of a fishing permit	239.40
Each holder of—	
(a) A marine farm permit	
(b) A spat catching permit	
(c) A marine farming lease	
(d) A marine farming licence	
(e) A fish-farm licence	
(f) A fish receiver's licence	19.95

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 revokes and replaces the Fisheries (Cost Recovery Levies) Order 1995 with effect from 1 October 1996.

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, after deduction of the Crown's contribution to those costs (as set out in the Fisheries (Crown Contribution) Order 1995).

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 26 September 1996.
This order is administered in the Ministry of Fisheries.