



## FISHERIES (COST RECOVERY LEVIES) ORDER 1997

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MICHAEL HARDIE BOYS, Governor-General

### ORDER IN COUNCIL

At Wellington this 8th day of September 1997

Present:

THE RIGHT HON J B BOLGER PRESIDING IN COUNCIL

PURSUANT to section 262 of the Fisheries Act 1996, 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, makes the following order.

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#### ANALYSIS

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| <ol style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. Interpretation</li> <li>3. Monthly levies on quota holders</li> <li>4. Annual non-ITQ levies</li> <li>5. Annual levies on individual catch limits</li> <li>6. Annual aquaculture levies</li> <li>7. Monthly levy on permit holders</li> <li>8. Monthly fisheries services levy</li> <li>9. Annual levy on licensed fish receivers</li> <li>10. Monthly levy for vessel monitoring development</li> </ol> | <ol style="list-style-type: none"> <li>11. Levies not to apply to seaweed</li> <li>12. Levies exclusive of goods and services tax</li> <li>13. How and when levies payable</li> <li>14. Revocation</li> </ol> |
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#### SCHEDULE

Levies

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## ORDER

**1. Title and commencement**—(1) This order may be cited as the Fisheries (Cost Recovery Levies) Order 1997.

(2) This order comes into force on 1 October 1997, and applies for the fishing year commencing on that day.

**2. Interpretation**—(1) Except where the context otherwise requires, fishstock codes and other expressions used in the Schedule of this order have the same meanings as in Parts I and II of the Second Schedule of the Fisheries (Reporting) Regulations 1990\*.

(2) The term “Foveaux Strait oysters” means molluscs of the species *Tiostrea chilensis* that are taken from the Foveaux Strait Dredge Oyster Fishery as defined in regulation 2 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986†.

**3. Monthly levies on quota holders**—(1) There is payable to the Crown in respect of—

(a) Every guaranteed minimum individual transferable quota; and

(b) Every individual transferable 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.

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

**4. Annual non-ITQ levies**—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 or aquatic life specified in Part B of the Schedule of this order must pay an annual levy for each tonne or part of a tonne of fish or aquatic life so taken, at the appropriate rate of levy specified in that Part.

**5. Annual levies on individual catch limits**—(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 southern blue whiting, Coromandel scallops, or Foveaux Strait oysters must pay an annual levy for each tonne or part of a tonne of the individual catch limit specified in the holder’s permit at the appropriate rate specified in Part C of the Schedule of this order.

(2) The annual levy is payable irrespective of whether or not the individual catch limit specified in the holder’s fishing permit or special 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—

\*S.R. 1990/214

†S.R. 1986/220

issued under or granted in accordance with the Fisheries Act 1983, the Marine Farming Act 1971, or the Freshwater Fish Farming Regulations 1983\* must pay the levy or levies specified in Part D of the Schedule of this order in respect of every such permit, lease, or licence held at any time during the fishing year.

(2) Levies payable under subclause (1) are 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. Monthly levy on permit holders**—(1) The levy specified in Part E of the Schedule of this order is payable monthly in respect of every—

(a) Fishing permit issued under section 63 of the Fisheries Act 1983 and every duplicate of such a permit; and

(b) Special permit granted under section 64 (1) (c) of that Act whose holder takes any fish or aquatic life for the purposes of sale.

(2) Any levy payable under this clause is payable by the holder of the permit.

**8. Monthly fisheries services levy**—The levy specified in Part F of the Schedule of this order is payable monthly to the Crown by—

(a) Every holder of guaranteed minimum individual transferable quota or individual transferable quota; and

(b) 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 or aquatic life.

**9. Annual levy on licensed fish receivers**—The levy specified in Part G of the Schedule of this order is payable annually to the Crown by every holder of a fish receiver’s licence or certificate of recognition issued under the Fisheries (Licensed Fish Receivers) Regulations 1986†.

**10. Monthly levy for vessel monitoring development**—(1) The levy specified in Part H of the Schedule of this order is payable monthly by every owner of a fishing vessel that is required by the Fisheries (Satellite Vessel Monitoring) Regulations 1993‡ to carry an automatic location communicator.

(2) A vessel licensed under section 15 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 is exempt from the levy for any month to the extent that it does not operate in New Zealand’s exclusive economic zone at any time during that month.

**11. Levies not to apply to seaweed**—Notwithstanding anything in this order, no levy is payable in respect of—

(a) The taking of any seaweed (as defined in section 2 of the Fisheries Act 1996) for sale under a permit issued under section 63 or section 64 (1) (c) of the Fisheries Act 1983; or

(b) Any such permit, to the extent it authorises the taking of seaweed for sale.

\*S.R. 1983/278

†S.R. 1986/190

‡S.R. 1993/354

**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 are payable only after receipt of a demand from the chief executive, and are 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 1996\* is revoked.

(2) Nothing in subclause (1) extinguishes any liability arising before the commencement of this order under the Fisheries (Cost Recovery Levies) Order 1996.

\*S.R. 1996/267

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## SCHEDULE

## LEVIES

## PART A

Reg. 3

## MONTHLY LEVIES ON QUOTA HOLDERS

*Fisheries Management Services*

Fishstock	Monthly Levy (\$/tonne) (GST excl)	Fishstock	Monthly Levy (\$/tonne) (GST excl)
BAR1	0.42	HAK4	1.64
BAR4	0.42	HAK7	1.55
BAR5	0.42	HOK1	1.28
BAR7	0.42	HPB1	13.51
BCO1	6.84	HPB2	13.51
BCO2	6.84	HPB3	9.12
BCO3	6.84	HPB4	6.73
BCO4	5.23	HPB5	9.12
BCO5	8.42	HPB7	9.12
BCO7	6.84	HPB8	9.12
BCO8	6.84	JDO1	13.96
BNS1	8.34	JDO2	12.71
BNS2	10.17	JDO3	10.96
BNS3	8.34	JDO7	10.96
BNS7	8.34	JMA1	0.42
BNS8	8.34	JMA3	0.42
BYX1	6.61	JMA7	0.67
BYX2	6.61	LIN1	1.52
BYX3	6.61	LIN2	1.52
BYX7	6.61	LIN3	1.89
BYX8	6.61	LIN4	1.89
CRA1	88.98	LIN5	6.26
CRA2	88.98	LIN6	6.26
CRA3	100.88	LIN7	1.97
CRA4	93.24	MOK1	3.91
CRA5	96.16	MOK3	1.63
CRA6	88.32	MOK4	1.63
CRA7	88.32	MOK5	1.63
CRA8	91.80	OEO1	1.75
CRA9	87.01	OEO3A	10.92
ELE1	2.56	OEO4	10.92
ELE2	2.56	OEO6	1.75
ELE3	10.42	ORH1	2.96
ELE5	5.98	ORH2A	3.33
ELE7	5.98	ORH2B	3.33
FLA1	7.09	ORH3A	3.33
FLA2	6.99	ORH3B	5.44
FLA3	6.99	ORH7A	3.33
FLA7	6.99	ORH7B	3.33
GMU1	12.61	OYS7	4.39
GMU2	6.20	PAU1	81.42
GMU3	6.20	PAU2	109.22
GMU7	6.20	PAU3	81.42
GUR1	9.35	PAU4	81.42
GUR2	8.10	PAU5A	137.20
GUR3	8.84	PAU5B	137.20
GUR7	4.40	PAU5D	137.20
GUR8	4.40	PAU6	81.42
HAK1	6.01	PAU7	81.42

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)
PHC1	48.92	SQU1T	1.09
RCO1	1.93	SQU6T	1.41
RCO2	1.93	STA1	2.98
RCO3	3.16	STA2	2.98
RCO7	1.93	STA3	9.55
SCA1	81.91	STA4	5.66
SCA7	42.42	STA5	5.11
SCH1	5.52	STA7	5.11
SCH2	5.41	STA8	5.11
SCH3	5.41	SWA1	1.25
SCH4	3.91	SWA3	1.25
SCH5	5.41	SWA4	1.25
SCH7	5.41	TAR1	8.18
SCH8	5.41	TAR2	8.07
SKI1	10.37	TAR3	4.33
SKI2	10.37	TAR4	4.33
SKI3	1.04	TAR5	4.33
SKI7	1.04	TAR7	4.33
SNA1	21.79	TAR8	8.07
SNA2	25.18	TRE1	6.19
SNA3	9.16	TRE2	4.92
SNA7	25.18	TRE3	2.83
SNA8	16.07	TRE7	4.27
SPO1	9.15	WAR1	0.97
SPO2	9.05	WAR2	0.97
SPO3	9.05	WAR3	0.97
SPO7	9.05	WAR7	0.97
SPO8	9.05	WAR8	0.97
SQU1J	1.08		

## Conservation Services

Fishstock	Monthly Levy (\$/tonne)	Fishstock	Monthly Levy (\$/tonne)
ELE3	0.81	LIN4	0.59
FLA3	0.95	LIN6	0.36
GUR3	0.59	RCO3	0.24
HAK1	0.10	SCH3	0.73
HAK4	0.10	SNA1	0.11
HAK7	0.10	SPO3	1.18
HOK1	0.03	SQU1T	0.10
JMA7	0.06	SQU6T	0.48
LIN3	0.90		

## SCHEDULE—continued

## LEVIES—continued

## PART B

Reg. 4

## LEVIES ON NON-ITQ SPECIES

## Fisheries Management Services

Fishstock	Annual Levy (\$/tonne) (GST excl)	Fishstock	Annual Levy (\$/tonne) (GST excl)
ALB	33.80	RBY	18.87
BIG	341.80	RSK	10.72
BSH	10.20	RSN	93.47
BUT	84.27	SCI1	1,253.18
CDL	10.20	SCI2	1,253.18
COC1	54.47	SCI3	352.51
COC3	175.59	SCI4	352.51
COC7	48.44	SCI5	279.64
EMA	7.57	SCI6A	352.51
FRO	8.46	SCI6B	279.64
GSH	24.51	SCI7	279.64
KAH1	22.43	SCI8	279.64
KAH2	22.43	SCI9	279.64
KAH3	22.43	SKA	47.50
KIN	47.50	SKJ	7.57
LDO	18.87	SPD	21.86
LEA	22.21	SPE	19.91
LFE/SFE	181.57	SSK	10.72
OCT	47.50	STN	406.66
PAD	20.29	SUR	48.44
PPI	48.44	SWO	283.96
PTO	53.55	TRU	18.87
QSC	149.30	TUA	48.44
RBM	18.87	WWA	24.07
RIB	33.71	YFN	305.99

## Conservation Services

Fishstock	Annual Levy (\$/tonne)
ALB	12.15
BIG	205.57
SBW	1.55
SPD3	1.25
STN	205.57
SWO	205.57
YFN	205.57

SCHEDULE—*continued*LEVIES—*continued*

Reg. 5

## PART C

## LEVIES ON INDIVIDUAL CATCH LIMITS

Fishstock	Annual Levy (\$/tonne)
Coromandel scallops ...	1,568.09
OYS5 ...	258.73
SBW ...	14.59

Reg. 6

## PART D

## AQUACULTURE LEVIES

Permit or Interest Held	Annual Levy (\$)
Freshwater fish farm licence, per licence ...	277.20
Spat catching permit or freshwater fish farm licence, per permit or licence ...	112.44
Marine farm permit, marine farm lease, or marine farm licence—	
(i) Per permit, lease, or licence ...	112.44
(ii) Per hectare or part hectare of area covered by permit, lease, or licence ...	27.20

Reg. 7

## PART E

## PERMIT HOLDERS' LEVY

Description	Monthly Levy (\$ per permit)
Every holder of a fishing permit and every holder of a special permit ...	44.52

Reg. 8

## PART F

## FISHERIES SERVICES LEVY

Description	Monthly Levy (\$)
Every holder of quota, every holder of a fishing permit, and every holder of a special permit ...	61.47



SCHEDULE—*continued*LEVIES—*continued*

## PART G

Reg. 9

## LICENSED FISH RECEIVERS' LEVY

Description	Annual Levy (\$ per licence)
Fish receiver's licence, per licence	311.11

## PART H

Reg. 10

## VESSEL MONITORING DEVELOPMENT LEVY

Description	Monthly Levy (\$ per vessel)
Owner of fishing vessel carrying automatic location communicator, per vessel	103.92

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 1996 with effect from 1 October 1997.

The new levies recover the balance of the costs of fisheries services and conservation services 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*: 11 September 1997.

This order is administered in the Ministry of Fisheries.