



FISHERIES (COST RECOVERY LEVIES) ORDER (NO. 2) 1999

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 22nd day of November 1999

Present:

THE RIGHT HON WYATT CREECH PRESIDING IN COUNCIL

PURSUANT to section 262 of the Fisheries Act 1996, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

ANALYSIS

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SCHEDULE
Levies

ORDER

1. Title and commencement—(1) This order may be cited as the Fisheries (Cost Recovery Levies) Order (No. 2) 1999.

(2) This order comes into force on 1 December 1999.

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

(2) “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) A monthly levy is payable in respect of—

(a) Every guaranteed minimum individual transferable quota; and

(b) Every individual transferable quota.

(2) The monthly levy is payable for each tonne or part of a tonne (or for each oyster, in the case of Foveaux Strait oysters) 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.

(3) 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) In the case of southern blue whiting, a levy is payable under this clause at the rate specified in Part A of the Schedule only in respect of southern blue whiting for the time being subject to the quota management system established under the Fisheries Act 1996.

4. Annual non-ITQ levies—(1) Every holder of a fishing permit issued under section 63 of the Fisheries Act 1983 who takes for the purposes of sale any fish or aquatic life specified in Part B of the Schedule 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.

(2) 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 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 who takes for the purposes of sale any southern blue whiting not subject to the quota management system established under the Fisheries Act 1996 or any Coromandel scallops 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.

(2) Every holder of a special permit granted under section 64 (1) (c) of the Fisheries Act 1983 who takes for the purposes of sale any southern blue whiting not subject to the quota management system established under the Fisheries Act 1996 or any Coromandel scallops 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.

(3) 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.

*S.R. 1990/214

*S.R. 1986/220

6. Annual aquaculture levies—(1) Every holder of, or lessee or licensee of, a permit, lease, or licence described in subclause (2) must pay the levy or levies specified in Part D of the Schedule in respect of every such permit, lease, or licence held at any time during the fishing year.

(2) Subclause (1) applies to the following, which are granted or issued in accordance with the Fisheries Act 1983, the Marine Farming Act 1971, or the Freshwater Fish Farming Regulations 1983*:

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

(3) 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.

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

7. Monthly levy on permit holders—(1) The levy specified in Part E of the Schedule is payable monthly in respect of—

- (a) Every fishing permit issued under section 63 of the Fisheries Act 1983 and every duplicate of such a permit; and
- (b) Every 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—(1) The levy specified in Part F of the Schedule is payable monthly 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.

(2) No person is required to pay more than 1 monthly fisheries services levy for any month, however many kinds of quota or permits they hold.

9. Annual levy on licensed fish receivers—The levy specified in Part G of the Schedule is payable annually by every holder of a fish receiver’s licence or certificate of recognition issued under the Fisheries (Licensed Fish Receivers) Regulations 1997†.

10. Levies not to apply to seaweed—Despite 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.

11. 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.

12. How and when levies payable—(1) The levies payable under this order are payable to the Crown and are payable only after receipt of a demand from the chief executive.

(2) The levies are payable in such number of instalments and in such manner as the chief executive may specify.

13. Revocations—(1) The Fisheries (Cost Recovery Levies) Order 1999 (S.R. 1999/268) is revoked.

(2) The Fisheries (Cost Recovery Levies) Amendment Order (No. 2) 1999 (S.R. 1999/295) is consequentially revoked.

14. Saving—Nothing in clause 13 extinguishes any liability arising before the commencement of this order under the Fisheries (Cost Recovery Levies) Order 1999.

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	0.49	FRO2	0.34
BAR4	0.53	FRO3	0.34
BAR5	0.61	FRO4	0.34
BAR7	0.48	FRO5	0.34
BCO1	4.84	FRO6	0.34
BCO2	4.84	FRO7	0.42
BCO3	4.78	FRO8	0.42
BCO4	2.83	FRO9	0.52
BCO5	7.48	GMU1	5.36
BCO7	4.22	GMU2	1.45
BCO8	4.96	GMU3	1.45
BNS1	7.22	GMU7	1.45
BNS2	11.66	GSH1	0.00
BNS3	4.27	GSH2	1.55
BNS7	4.76	GSH3	1.12
BNS8	6.29	GSH4	0.92
BYX1	3.60	GSH5	1.06
BYX2	10.24	GSH6	0.94
BYX3	3.39	GSH7	1.28
BYX7	3.09	GSH8	1.61
BYX8	4.12	GSH9	3.11
CDL1	0.60	GSP1	1.80
CDL2	4.91	GSP5	1.80
CDL3	0.50	GSP7	1.80
CDL4	0.50	GUR1	6.79
CDL5	0.50	GUR2	3.79
CDL6	0.50	GUR3	4.05
CDL7	0.50	GUR7	5.73
CDL9	0.50	GUR8	5.89
CRA1	68.87	HAK1	7.97
CRA2	76.69	HAK4	7.30
CRA3	67.12	HAK7	8.04
CRA4	78.89	HOK1	1.29
CRA5	62.57	HPB1	9.72
CRA6	48.52	HPB2	8.40
CRA7	54.72	HPB3	5.57
CRA8	53.85	HPB4	4.67
CRA9	55.14	HPB5	5.54
ELE1	2.06	HPB7	7.10
ELE2	3.76	HPB8	7.14
ELE3	6.40	JDO1	12.86
ELE5	3.44	JDO2	10.34
ELE7	3.36	JDO3	7.05
FLA1	7.96	JDO7	7.80
FLA2	4.17	JMA1	0.41
FLA3	4.59	JMA3	0.41
FLA7	3.77	JMA7	0.39
FRO1	0.51	LIN1	0.00

SCHEDULE—continued

LEVIES—continued

PART A—continued

Fishstock	Monthly Levy (\$/tonne) (GST excl)	Fishstock	Monthly Levy (\$/tonne) (GST excl)
LIN2	2.30	RBY9	0.65
LIN3	2.33	SBW6A	2.25
LIN4	2.57	SBW6B	1.80
LIN5	10.15	SBW6I	1.77
LIN6	5.73	SBW6R	1.90
LIN7	2.30	SCA1	97.58
MOK1	2.75	SCA7	27.64
MOK3	1.64	SCH1	4.52
MOK4	1.43	SCH2	4.22
MOK5	1.73	SCH3	5.01
OEO1	1.10	SCH4	3.87
OEO3A	2.17	SCH5	4.34
OEO4	5.85	SCH7	4.21
OEO6	1.92	SCH8	3.93
ORH1	7.22	SKI1	8.43
ORH2A	13.69	SKI2	14.14
ORH2B	9.25	SKI3	2.04
ORH3A	7.66	SKI7	1.54
ORH3B	10.52	SNA1	15.93
ORH7A	14.17	SNA2	29.68
ORH7B	10.03	SNA3	6.18
OYS7	6.77	SNA7	37.15
PAU1	36.62	SNA8	12.31
PAU2	98.54	SPE1	2.64
PAU3	64.95	SPE2	2.21
PAU4	43.54	SPE3	0.78
PAU5A	44.71	SPE4	1.14
PAU5B	71.78	SPE5	1.11
PAU5D	44.71	SPE6	1.00
PAU6	0.00	SPE7	1.07
PAU7	46.31	SPE8	2.14
PHC1	50.85	SPE9	2.14
RCO1	1.37	SPO1	6.21
RCO2	1.21	SPO2	4.36
RCO3	2.80	SPO3	6.69
RCO7	4.69	SPO7	5.87
RIB1	2.78	SPO8	5.80
RIB2	2.50	SQU1J	1.07
RIB3	1.88	SQU1T	0.89
RIB4	2.21	SQU6T	1.54
RIB5	4.44	STA1	1.47
RIB6	4.55	STA2	0.00
RIB7	1.97	STA3	4.13
RIB8	1.97	STA4	2.23
RIB9	1.97	STA5	2.33
RBY1	0.89	STA7	5.04
RBY2	11.86	STA8	1.68
RBY3	0.65	SWA1	1.21
RBY4	0.65	SWA3	1.26
RBY7	0.65	SWA4	1.22
RBY8	0.65	TAR1	8.49

SCHEDULE—continued

LEVIES—continued

PART A—continued

Fishstock			Monthly Levy (\$/tonne) (GST excl)	Fishstock			Monthly Levy (\$/tonne) (GST excl)
TAR2	...	...	4.79	WAR2	...	...	1.70
TAR3	...	...	2.73	WAR3	...	...	0.75
TAR4	...	...	2.64	WAR7	...	...	1.05
TAR5	...	...	2.96	WAR8	...	...	1.30
TAR7	...	...	6.12	WWA1	...	...	1.70
TAR8	...	...	7.13	WWA2	...	...	1.72
TRE1	...	...	6.30	WWA3	...	...	1.84
TRE2	...	...	2.28	WWA4	...	...	1.04
TRE3	...	...	2.41	WWA5	...	...	1.77
TRE7	...	...	5.36	WWA6	...	...	1.81
TRU1	...	...	1.81	WWA7	...	...	1.52
TRU2	...	...	1.67	WWA8	...	...	1.51
TRU3	...	...	1.51	YEM1	...	...	3.74
TRU4	...	...	1.23	YEM2	...	...	1.23
TRU5	...	...	1.50	YEM3	...	...	1.23
TRU7	...	...	1.58	YEM7	...	...	1.23
TRU8	...	...	1.63	YEM8	...	...	1.23
WAR1	...	...	1.22	YEM9	...	...	1.23

Monthly levy on Foveaux Strait dredge oysters (OYU5) is 0.0012 cents.

Conservation Services

Fishstock			Monthly Levy (\$/tonne) (GST excl.)	Fishstock			Monthly Levy (\$/tonne) (GST excl.)
ELE2	...	...	0.06	LIN7	...	...	0.25
ELE3	...	...	3.44	RCO2	...	...	0.06
ELE5	...	...	0.06	RCO3	...	...	0.28
ELE7	...	...	0.28	RCO7	...	...	0.06
FLA2	...	...	0.06	SBW6A	...	...	0.23
FLA3	...	...	0.22	SBW6B	...	...	0.25
FLA7	...	...	0.09	SCH3	...	...	5.49
GUR3	...	...	0.32	SCH5	...	...	0.06
GUR7	...	...	0.07	SCH7	...	...	0.28
GUR8	...	...	0.06	SCH8	...	...	0.06
HAK1	...	...	0.10	SPO3	...	...	8.75
HAK4	...	...	0.10	SPO7	...	...	1.55
HAK7	...	...	0.10	SPO8	...	...	0.06
HOK1	...	...	0.03	SQU1J	...	...	0.03
LIN1	...	...	0.35	SQU1T	...	...	0.24
LIN2	...	...	0.37	SQU6T	...	...	0.49
LIN3	...	...	0.36	TAR3	...	...	1.36
LIN4	...	...	0.36	TAR5	...	...	0.06
LIN5	...	...	0.25	TAR7	...	...	0.06
LIN6	...	...	0.37	TAR8	...	...	0.06

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	21.79	RSN	132.78
BIG	348.88	SCI1	592.62
BSH	4.10	SCI2	597.39
BUT	152.11	SCI3	617.69
COC1	43.07	SCI4	599.65
COC3	16.06	SCI5	660.21
COC7	12.70	SCI6A	619.72
EMA	9.58	SCI6B	618.87
KAH	21.07	SCI7	570.56
KIN	61.81	SCI8	550.39
LDO	3.20	SCI9	271.74
LEA	10.18	SKA	16.04
LFE/SFE	141.81	SKJ	5.85
OCT	32.87	SPD	7.60
PAD	35.14	STN	201.34
PPI	23.40	SUR	21.39
PTO	29.95	SWO	148.79
QSC	40.97	TUA	22.68
RBM	7.45	YFN	154.25

Conservation Services

Fishstock	Annual Levy (\$/tonne) (GST excl.)
BIG	764.12
STN	332.87
SWO	161.02
YFN	106.28

SCHEDULE—*continued*

LEVIES—*continued*

PART C

Reg. 5

LEVIES ON INDIVIDUAL CATCH LIMITS

Fishstock	Annual Levy (\$/tonne) (GST excl)
Coromandel scallops ...	2,982.67
SBW ...	19.86

PART D

Reg. 6

AQUACULTURE LEVIES

Permit or Interest Held	Annual Levy (\$) (GST excl)
Freshwater fish farm licence, per licence ...	183.79
Spat catching permit or freshwater fish farm licence, per permit or licence ...	63.66
Marine farming permit, marine farm lease, or marine farm licence—	
(i) Per permit, lease, or licence ...	63.66
(ii) Per hectare or part hectare of area covered by permit, lease, or licence ...	38.97

PART E

Reg. 7

PERMIT HOLDERS' LEVY

Description	Monthly Levy (\$ per permit) (GST excl)
Every holder of a fishing permit and every holder of a special permit ...	49.26

SCHEDULE—*continued*LEVIES—*continued*

Reg. 8

PART F

FISHERIES SERVICES LEVY

Description	Monthly Levy (\$ (GST excl)
Every holder of quota, every holder of a fishing permit, and every holder of a special permit	43.57

Reg. 9

PART G

LICENSED FISH RECEIVERS' LEVY

Description	Annual Levy (\$ per licence) (GST excl)
Fish receiver's licence, per licence	425.95

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, which comes into force on 1 December 1999, revokes and replaces the Fisheries (Cost Recovery Levies) Order 1999.

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 1999).

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

Date of notification in *Gazette*: 25 November 1999.

This order is administered in the Ministry of Fisheries.