



FISHERIES (COST RECOVERY LEVIES) ORDER 1999

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 23rd day of August 1999

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

ANALYSIS

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2. Interpretation	12. How and when levies payable
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SCHEDULE
Levies

ORDER

1. Title and commencement—(1) This order may be cited as the Fisheries (Cost Recovery Levies) Order 1999.

(2) This order comes into force on 1 October 1999, and applies for the fishing year commencing on that day.

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 to the Crown 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.

*S.R. 1990/214

†S.R. 1986/220

(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.

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 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.

(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 to the Crown 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—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.

13. Revocations—(1) The Fisheries (Cost Recovery Levies) Order 1998 (S.R. 1998/278) is revoked.

(2) The Fisheries (Cost Recovery Levies) Amendment Order 1998 (S.R. 1998/306) 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 1998.

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	0.58	FLA7	5.02
BAR4	0.62	FRO1	0.60
BAR5	0.69	FRO2	0.42
BAR7	0.57	FRO3	0.42
BCO1	6.37	FRO4	0.42
BCO2	6.36	FRO5	0.42
BCO3	6.30	FRO6	0.42
BCO4	5.39	FRO7	0.50
BCO5	8.06	FRO8	0.50
BCO7	5.54	FRO9	0.61
BCO8	6.51	GMU1	6.23
BNS1	9.50	GMU2	1.91
BNS2	13.74	GMU3	1.93
BNS3	6.69	GMU7	1.91
BNS7	6.25	GSH1	0.00
BNS8	8.25	GSH2	1.96
BYX1	4.75	GSH3	1.40
BYX2	12.90	GSH4	1.13
BYX3	4.49	GSH5	1.31
BYX7	4.06	GSH6	1.16
BYX8	5.42	GSH7	1.60
CDL1	0.72	GSH8	2.05
CDL2	6.49	GSH9	4.00
CDL3	0.61	GSP1	2.48
CDL4	0.61	GSP5	2.48
CDL5	0.61	GSP7	2.48
CDL6	0.61	GUR1	8.03
CDL7	0.61	GUR2	4.98
CDL9	0.61	GUR3	4.92
CRA1	124.64	GUR7	6.60
CRA2	123.56	GUR8	7.09
CRA3	103.89	HAK1	8.61
CRA4	108.57	HAK4	7.76
CRA5	97.50	HAK7	8.68
CRA6	60.26	HOK1	1.52
CRA7	99.45	HPB1	12.57
CRA8	73.80	HPB2	10.82
CRA9	86.12	HPB3	7.13
ELE1	2.71	HPB4	7.34
ELE2	5.32	HPB5	7.07
ELE3	7.52	HPB7	9.11
ELE5	4.65	HPB8	9.17
ELE7	4.49	JDO1	16.01
FLA1	10.48	JDO2	12.69
FLA2	5.72	JDO3	9.28
FLA3	6.10	JDO7	10.23

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)
JMA1	0.49	RIB7	2.58
JMA3	0.47	RIB8	2.58
JMA7	0.50	RIB9	2.58
LIN1	0.00	RBY1	1.03
LIN2	2.69	RBY2	14.05
LIN3	2.80	RBY3	0.79
LIN4	2.95	RBY4	0.79
LIN5	11.02	RBY7	0.79
LIN6	6.38	RBY8	0.79
LIN7	2.66	RBY9	0.79
MOK1	3.63	SBW6A	2.44
MOK3	2.17	SBW6B	1.90
MOK4	1.88	SBW6I	1.93
MOK5	2.26	SBW6R	2.06
OEO1	1.56	SCA1	84.64
OEO3A	2.54	SCA7	46.48
OEO4	6.24	SCH1	5.61
OEO6	2.36	SCH2	5.19
ORH1	8.53	SCH3	5.63
ORH2A	26.22	SCH4	6.46
ORH2B	10.67	SCH5	5.44
ORH3A	9.00	SCH7	5.26
ORH3B	11.93	SCH8	5.06
ORH7A	26.75	SKI1	10.56
ORH7B	22.23	SKI2	17.12
OYS7	11.83	SKI3	2.42
PAU1	61.41	SKI7	1.83
PAU2	120.07	SNA1	22.42
PAU3	86.84	SNA2	34.05
PAU4	68.77	SNA3	8.13
PAU5A	73.17	SNA7	46.86
PAU5B	93.61	SNA8	62.28
PAU5D	73.17	SPE1	3.47
PAU6	0.00	SPE2	2.91
PAU7	76.18	SPE3	1.02
PHC1	85.03	SPE4	1.49
RCO1	1.83	SPE5	1.46
RCO2	1.83	SPE6	1.31
RCO3	3.28	SPE7	1.40
RCO7	5.22	SPE8	2.82
RIB1	3.65	SPE9	2.82
RIB2	3.29	SPO1	8.17
RIB3	2.47	SPO2	5.71
RIB4	2.91	SPO3	7.68
RIB5	5.83	SPO7	7.79
RIB6	5.98	SPO8	7.85

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)
SQU1j	1.29	TRU2	2.00
SQU1r	1.09	TRU3	1.82
SQU6r	1.65	TRU4	1.79
STA1	1.94	TRU5	1.79
STA2	0.00	TRU7	1.90
STA3	5.00	TRU8	1.95
STA4	3.32	WAR1	1.53
STA5	3.06	WAR2	2.07
STA7	5.61	WAR3	0.95
STA8	2.20	WAR7	1.30
SWA1	1.40	WAR8	1.61
SWA3	1.41	WWA1	2.16
SWA4	1.37	WWA2	2.18
TAR1	10.63	WWA3	2.32
TAR2	6.60	WWA4	1.36
TAR3	4.01	WWA5	2.23
TAR4	2.67	WWA6	2.28
TAR5	3.88	WWA7	1.95
TAR7	7.48	WWA8	1.94
TAR8	8.47	YEM1	4.93
TRE1	8.13	YEM2	1.61
TRE2	3.00	YEM3	1.64
TRE3	3.20	YEM7	1.61
TRE7	6.80	YEM8	1.61
TRU1	2.17	YEM9	1.61

Monthly levy on Foveaux Strait dredge oysters (OYU5) is \$0.0016 cents.

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	30.84	RSN	192.24
BIG	389.76	SCI1	769.68
BSH	5.52	SCI2	775.92
BUT	229.56	SCI3	802.92
COC1	80.76	SCI4	778.92
COC3	30.48	SCI5	785.28
COC7	30.48	SCI6A	803.28
EMA	13.20	SCI6B	804.60
KAH	35.16	SCI7	684.00
KIN	89.16	SCI8	672.47
LDO	4.57	SCI9	328.56
LEA	14.64	SKA	23.52
LFE/SFE	190.44	SKJ	6.12
OCT	47.64	SPD	11.04
PAD	72.24	STN	237.84
PPI	50.40	SUR	67.32
PTO	39.48	SWO	195.96
QSC	82.92	TUA	48.96
RBM	9.96	YFN	183.72

Reg. 5

PART C

LEVIES ON INDIVIDUAL CATCH LIMITS

Fishstock	Annual Levy (\$/tonne) (GST excl)
Coromandel scallops	3,669.72
SBW	23.35

SCHEDULE—*continued*LEVIES—*continued*

PART D

Reg. 6

AQUACULTURE LEVIES

Permit or Interest Held	Annual Levy (\$) (GST excl)
Freshwater fish farm licence, per licence	189.13
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	40.10

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

PART F

Reg. 8

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

SCHEDULE—*continued*LEVIES—*continued*

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 revokes and replaces the Fisheries (Cost Recovery Levies) Order 1998 with effect from 1 October 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 1995).

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 26 August 1999.
This order is administered in the Ministry of Fisheries.