

Fisheries (Cost Recovery) Amendment Rules 2002

Pursuant to section 263 of the Fisheries Act 1996, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following rules.

Contents

		Page
1	Title	1
2	Commencement	1
3	New rule 9 substituted	1
	9 Allocation of costs for stock assessment research	2
4	Schedule amended	3

1 Title

- (1) These rules are the Fisheries (Cost Recovery) Amendment Rules 2002.
- (2) In these rules, the Fisheries (Cost Recovery) Rules 2001¹ are called “the principal rules”.

2 Commencement

These rules come into force on the day after the date of their notification in the *Gazette*.

3 New rule 9 substituted

The principal rules are amended by revoking rule 9, and substituting the following rule:

¹ SR 2001/229

“9 Allocation of costs for stock assessment research

“(1) In respect of the stock assessment research services specified in items 5, 6, and 7 of the Schedule,—

“(a) the costs of services attributable to a single stock are to be recovered from that stock:

“(b) where the services relate to more than 1 stock, the costs are to be recovered from each stock to which the services relate in accordance with—

“(i) the formula in subclause (2), if the chief executive has determined a percentage allocation for the research effort in respect of the particular stock; or

“(ii) the formula in subclause (3), if the chief executive has not determined such a percentage allocation for the stock.

“(2) If, in respect of services that relate to more than 1 stock, the chief executive has determined a percentage allocation for the research effort in respect of a particular stock, the costs to be recovered from that stock are to be determined in accordance with the following formula:

$$c \times d \times h$$

where—

c is the total cost of the services (before deduction of any Crown contribution)

d is the percentage allocation determined by the chief executive as reflecting the research effort in respect of the particular stock

h is the percentage of costs to be recovered from the particular stock, as indicated in the second column of item 5 or the second column of item 6 of the Schedule (whichever is relevant).

“(3) If, in respect of services that relate to more than 1 stock, the chief executive has not determined a percentage allocation for the research effort in respect of a particular stock, the costs to be recovered from that stock are to be determined in accordance with the following formula:

$$(c - e) \times \frac{f}{g} \times h$$

where—

- c is the total cost of the services (before deduction of any Crown contribution)
- e is the sum of any research costs allocated under subclause (2) to other stocks for the services concerned
- f is the value of the particular stock, derived by multiplying the total TAC, ICE, or estimated catch for the stock by the port price for the stock
- g is the total value of all the stocks to which the services relate (other than stocks for which an allocation has been made under subclause (2)), derived by—
 - (a) multiplying the total TAC, ICE, or estimated catch for each stock (other than stocks for which an allocation has been made under subclause (2)) by its relevant port price; and
 - (b) adding all the results
- h is the percentage of costs to be recovered from the particular stock, as indicated in the second column of item 5 or the second column of item 6 of the Schedule (whichever is relevant).

4 Schedule amended

Item 6 of the Schedule of the principal rules is amended by omitting paragraph (g), and substituting the following paragraphs:

“

“(g) pelagic fisheries other than kahawai and kingfish—95%:

“(ga) kahawai—70%:

“(gb) kingfish—50%.”

Marie Shroff,

Clerk of the Executive Council.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on the day after the date of their notification in the *Gazette*, amend the Fisheries (Cost Recovery) Rules 2001 in relation to the allocation of costs for services that

relate to more than 1 fish stock. Different rules for calculating the allocation of costs to a particular stock will apply depending on whether or not the chief executive has specifically determined a percentage allocation that reflects the research effort in respect of that particular stock.

Rule 4 also lowers the specific percentage allocation of costs to be borne by the industry for kahawai and kingfish.

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