



## ANALYSIS

|  |  |
|--|--|
| Title  | 4. Regulations                           |
| 1. Short Title   | 5. Transitional special levy relating to |
| 2. Functions of Board  | marine biotoxin monitoring               |
| 3. Special levy in respect of marine biotoxin monitoring programme | programme                                |

1994, No. 72

**An Act to amend the Fishing Industry Board Act 1963**

[1 July 1994]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Fishing Industry Board Amendment Act 1994, and shall be read together with and deemed part of the Fishing Industry Board Act 1963 (hereinafter referred to as the principal Act).

**2. Functions of Board**—Section 10 (1) of the principal Act is hereby amended by inserting, after paragraph (fb) (as substituted by section 7 of the Fishing Industry Board Amendment Act 1975), the following paragraph:

“(fc) To promote, both alone and in collaboration with other agencies, monitoring programmes and other activities associated with water quality or the quality of fish intended for consumption in New Zealand or for export; and to contribute towards the costs of such programmes and activities:”.

**3. Special levy in respect of marine biotoxin monitoring programme**—The principal Act is hereby amended by inserting, after section 14A (as inserted by section 9 (1) of the Fishing Industry Board Amendment Act 1978), the following section:

“14B. (1) In addition to the levy payable under section 14 or section 14A of this Act, there shall be paid to the Board, by persons of such classes as may be prescribed by regulations

made under this Act, such levy, not exceeding in any case the maximum amount prescribed by such regulations, as the Board may from time to time fix for the purposes of funding the fishing industry's contribution to monitoring programmes and other activities related to marine biotoxins.

“(2) Different rates of levy may be fixed in respect of different classes of persons, species of fish, or areas, or any combination of them.

“(3) The rates of the levy shall be fixed from time to time by the Board by notice in the *Gazette*.

“(4) The levy payable under this section shall be recoverable as a debt due to the Board in any Court of competent jurisdiction.”

**4. Regulations**—Section 35 (1) of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

“(aa) Prescribing the maximum amount of any levy that may be imposed under section 14B of this Act, the persons or classes of persons by whom the levy is payable, and the methods to be adopted in the collection of any such levy:”.

**5. Transitional special levy relating to marine biotoxin monitoring programme**—(1) For the purposes of funding the fishing industry's contribution towards the costs of the marine biotoxin monitoring programme in respect of the financial year ending with the close of the 30th day of June 1994 (which contribution shall be deemed to be \$500,000), the Board may, by notice in the *Gazette* given in accordance with subsection (3) of this section, impose a special levy payable by all or any of the following:

- (a) Any holder of a marine farming lease granted under section 8 of the Marine Farming Act 1971:
- (b) Any holder of a marine farming licence granted under the said section 8:
- (c) Any holder of a marine farming permit issued under section 67J of the Fisheries Act 1983:
- (d) Any holder of a spat catching permit issued under section 67Q of the Fisheries Act 1983:
- (e) Any holder of a fish packing house licence issued under regulation 9 of the Fish (Packing for Export) Regulations 1977:
- (f) Any holder of a fishing permit issued under section 63 of the Fisheries Act 1983:

(g) Any holder of a special permit issued under section 64 of the Fisheries Act 1983;—

being persons authorised to farm or take specified species of fish or, in the case of fishing packing house licences, to process fish.

(2) Different rates of levy may be fixed in respect of different classes of persons, species of fish, or areas, or any combination of them.

(3) The notice under subsection (1) of this section—

(a) Shall not be given without the prior approval of the Minister; and

(b) Shall specify—

(i) The persons or classes of persons by whom the levy is payable; and

(ii) The rates of the levy.

(4) The levy payable under this section shall be recoverable as a debt due to the Board in any Court of competent jurisdiction.

---

This Act is administered in the Ministry of Agriculture and Fisheries.

Q b

---