

# **Fisheries Amendment Bill (No 2)**

Government Bill

## **Explanatory note**

### **General policy statement**

The underlying objectives of this Bill are to—

- ensure that the offence provisions within the Fisheries Act 1996 capture offending against the quota management system:
- give effect to a negotiated settlement reached between the seafood industry and the Crown relating to the under and over-recovery of costs of fisheries services and conservation services between 1994 and 2002 (inclusive).

Given these underlying objectives, the Bill specifically does the following:

- it makes a number of technical amendments:
- it implements the settlement reached between the commercial seafood industry and the Crown through the reduction of future cost recovery levies. The net sum agreed to be reduced from future levies amounts to \$24,593,543:
- in recognition of this reduction of payment, the Bill confirms that the Minister has fulfilled all of his obligations under the Fisheries Act 1996 in respect of under and over recovery of costs:
- additionally the Bill validates past cost recovery levy orders and the cost recovery rules for all purposes.

## Clause by clause analysis

*Clause 1* is the Title clause.

### Part 1

#### Preliminary provisions

*Clause 2* provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

*Clause 3* sets out the main purpose of the Bill as being to implement a negotiated settlement reached between the Crown and the commercial seafood industry in respect of the under-recovery and over-recovery of the costs of fisheries and conservation services relating to the period 1 October 1994 to 30 September 2002.

The Bill also amends an offence provision in relation to activities carried out to obtain a benefit in contravention of the principal Act, and clarifies a general drafting issue.

*Clause 4* provides that the Bill binds the Crown.

### Part 2

#### Amendments to principal Act

*Clause 5* amends section 2 of the principal Act, the interpretation provision, to ensure that references to the Act always include references to rules and regulations made under the Act. This restates in the principal Act itself the definition of **Act** set out in section 30 of the Interpretation Act 1999 in relation to enactments passed before the commencement of that Act. This restatement is seen as desirable to avoid issues of interpretation where provisions of the principal Act are amended or restated with amendment by an amending Act passed after the date of commencement of the Interpretation Act 1999.

*Clause 6* substitutes a new *section 233*, the offence provision that currently deals with commercial fishing activities undertaken in contravention of the Act. The new section removes the loophole that became apparent in the recent Court of Appeal case of *R v Armstrong and Others* (CA 194/03).

*Clause 7* amends section 252 of the Act, which relates to penalties, to refer to the offences created by the new *section 233*.

*Clause 8* amends section 264(2) of the Act to refer to the new *section 265A*.

*Clause 9* substitutes a new *section 265*, relating to the under-recovery and over-recovery of the costs of conservation and fisheries services. The new section is made subject to the new *section 265A*, and also provides that the Minister need not have regard to under and over-recoveries of costs that the Minister has already had regard to previously.

*Clause 10(1)* substitutes a new *section 265A* that contains the essence of the settlement agreed between the Crown and the seafood industry. This requires the Minister to reduce the costs that are to be recovered by way of levy on any particular fish stock by the amount of the settlement sum allocated to that stock in *Part 1 of the new Schedule 9A*. Where the settlement sum is not fully used up in the 2003–04 year the remaining balance carries on to the next year and so on. The Minister must notify the remaining balances of settlement sums for each stock in the *Gazette*. In the small number of cases specified in *Part 2 of Schedule 9A*, the costs to be recovered in the 2003–04 year will be increased by the amount allocated in that Part to the relevant stock.

*Subclause (2)* provides that the current cost levy orders relating to the 2003–04 year are deemed never to have been in force, and makes provision to allow future cost recovery levy orders for the year to be based on quota held, fish or aquatic life taken, and permits, leases, or licences held at any time or for any period from 1 October 2003 until the commencement of the relevant order, as if the order had been made before 1 October 2003. No levies will however be payable until at least 1 month after the commencement of the order.

*Clause 11* provides that the *Gazette* notice setting out remaining balances of the settlement sum for each fish stock will not have the status of regulations.

*Clause 12(1)* inserts the new *Schedule 9A* into the principal Act, setting out the allocation of the relevant settlement sum to each fish stock.

*Subclause (2)* allows the Governor-General to update stock or species code references in the new *Schedule 9A* by Order in Council, to ensure consistency with other regulations, rules, and orders made under the Act. This is necessary to allow the reflection of the introduction of new stocks into the quota management system.

*Clause 13(1)* validates the cost recovery levy orders and rules listed in *Schedule 2*, and the recommendations of the Minister made in respect of those orders and rules, for all purposes.

*Subclause (2)* ensures, however, that the settlement reached in the proceedings in *Barine Developments Limited v Minister of Fisheries and Attorney-General* is not undermined by this validation.

### **Regulatory impact and cost compliance statement**

#### ***Statement of the nature and magnitude of the problem and the need for government action***

A cost recovery regime was introduced into fisheries legislation in 1994 in relation to fisheries services and conservation services to enable the Crown to recover its costs associated with the commercial fishing industry. The Fisheries Act 1996 creates a mandatory obligation on the Minister of Fisheries to have regard to any under and over-recovery of costs of a previous year when setting a new levy order. Since this obligation was established (in 1996) there was a possible failure to:

- consider historic under and over recovery of levies of a previous year when setting the 1996/97 to 2001/02 levy orders; and
- consider deemed values when setting levy orders.

Since 1999 the commercial seafood industry (Industry) and the Ministry of Fisheries have worked in a joint working group (JWG) to determine the extent of the historic unders and overs, and to develop a process for dealing with future unders and overs.

The JWG reached agreement for settlement of the historic unders and overs, including deemed values, for a \$24.1m net credit and \$493,543 in recognition of the time that the settlement will take to complete. The agreed settlement requires implementation. Failure to implement the settlement would increase the risk that participants in the Industry would seek to re-open the issue through litigation, thus placing estimated Crown revenue of \$240 million at risk.

#### ***Statement of public policy objectives***

The public policy objective is to ensure, as far as practicable, that cost recovery levies affecting the commercial seafood industry take into account the under and over-recovery of cost recovery levies of a past period and are based on the most accurate information available, and to implement an improved cost recovery regime that allows true costs to be accurately assessed and recovered in a timely way. In addition, to settle an outstanding claim by the commercial

seafood industry in relation to historic cost recovery levies that were not consistent with the intent of the Fisheries Act 1996.

*Statement of feasible options (regulatory and /or non-regulatory)  
that may constitute viable means for achieving the desired  
objectives*

**Status quo**

In July 2002 the Ministry of Fisheries and the Industry reached agreement upon the principles for the management of future under and over-recovery of cost recovery levies. The principles include the mandatory provision of section 265 of the Fisheries Act 1996 that the Minister must have regard to under and over-recovery of levies in a previous year. These principles will be adhered to when setting future levies. Although the levy orders for the period 1994/95–2001/02 were validated retrospectively, the past failure to have regard to the under and over-recovery of levies remained an issue for the Industry. The risk of not settling this issue is litigation against the Crown for failure to give effect to mandatory consideration when setting the next annual levy order.

**Direct payments to past or current levy payers**

Under this option, the agreed settlement would be paid by the Crown, as a cash payment, directly to either current or past levy payers in accordance with their quota holdings at a specified date (for quota management stocks ['QMS']) or their catch over a specified period of time (for non-QMS stocks). While this option would ensure a full and final settlement and those who paid for the over-recovery would receive their share of the settlement, it would be administratively complex and high cost. This is because it would be difficult to identify those entitled to a refund as many former levy payers have left the industry. This option would require the establishment of a set of arbitrary criteria, which would benefit some levy payers over other levy payers. The taxation and GST implications of payments to past levy holders who are no longer in a taxable activity are unclear. This option is also not consistent with the statutory framework in the Fisheries Act 1996, and therefore has been rejected.

**One-off payment to a non-discretionary trust**

This method involves the settlement of the funds on a non-discretionary trust established solely for the purpose of administering the settlement. The trust deed would specify that the trust funds would only be used to pay future levies, on behalf of individual fish stocks, until the funds held by the trust on behalf of each fish stock are extinguished. The trust would be designed to have a finite life. This option was originally preferred by JWG. The industry believes this option provides symbolic finality and closure to the issue. However, there are unintended taxation and GST issues relating to this option. An amendment to the Fisheries Act 1996 is possible to protect the Crown, however this would raise the issue of the Crown creating a legislative exemption to protect its revenue. Industry is aware of this issue and does not wish to benefit from an unforeseen tax consequence, therefore this option has been rejected.

**Amendment to future levy orders under the Fisheries Act 1996**

Legislation will be required to implement this option. Under this option, future cost recovery levies would be adjusted depending on the level of credit (or debit) attributed to each fish stock in the settlement, until such time as the credit (or debit) is fully discharged. In addition to the \$24.1 million negotiated net settlement, it is proposed that an allowance of \$493,543 be added in recognition of the time (7 years) that the settlement will take to complete. Upon passage of the legislation, section 265A should be repealed. This required the Minister to have regard to the under and over-collection of levies for the period 1995–2001, when making the cost recovery levy order for the fishing year commencing 1 October 2003. It is proposed that the 2003/04 cost recovery levy also be revoked, and the 2003/04 cost recovery levy be re-introduced with effect from 1 April 2004, after the settlement legislation is passed, allowing levy payers the benefit of the settlement.

*Statement of the net benefit of the proposal, including the total regulatory costs (administrative, compliance, and economic costs) and benefits (including non-quantifiable benefits) of the proposal and other feasible options*

**Government**

- The Minister of Fisheries fully and finally has fulfilled all of his obligations to have regard to under and over recoveries of

cost recovery levies (as required by section 265 of the Fisheries Act) for the period 1994/95 to 2001/02.

- Historical levy orders made between 1994 and 2001 are validated, removing the likelihood of future legal action.
- There is a complete resolution of a potential litigation risk of \$240 million.
- Low transaction costs and no unintended taxation or GST consequences.
- Agreement reached that under and over-recovery be managed in future by a process of consultation and Ministerial discretion. This also benefits the commercial seafood industry.

### **Commercial seafood industry**

- There is a reduction in future levies by \$24.6 million.
- The Industry believes this to be a full and final settlement of the Minister's historic obligations under the Fisheries Act 1996 (excluding the *Barine* litigation which has been discontinued due to the settlement).
- The implementation legislation (including validating the settlement agreements and historic cost recovery orders) would be subject to the scrutiny of Parliament thus providing a high level of accountability and transparency.
- The agreement that settlement should be attributed to the fish stocks that generated the respective under and over recoveries is the most equitable method to attribute the settlement to levy payers, and is consistent with the cost recovery principles in section 262 of the Fisheries Act 1996.
- Delivery of the broad benefits of the settlement to levy payers from 1 October 2003 due to the repeal of the 2003/04 levy order.

There are no compliance cost implications for business as a result of this proposal.

### ***Statement of consultation undertaken***

The commercial seafood industry and the Ministry have been engaged in a Joint Working Group process to address concerns in relation to the historic under and over recovery of cost recovery levies since December 1999. The JWG reached agreement on a settlement for a \$24.6 million net credit. The decision to recommend

implementation by way of a reduction in future levies at a fish stock level until the outstanding historic over-recovery (or under-recovery) settlement is reduced to zero, rather than a non-discretionary trust, has led the Industry to seek an additional sum (\$493,543) representing the future time use of money. The JWG recommended the revocation of the 2003/04 cost recovery levy order, and its re-introduction post legislation for the full amount, less applicable settlement credits.

The Treasury, Department of Conservation, Inland Revenue Department, Crown Law Office and the Ministry of Justice have been consulted and their comments have been taken into account in the final preparation of the proposals. The Treasury was not in agreement with the non-discretionary trust option due to taxation and GST consequences unforeseen at the time of the settlement.

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*Hon Pete Hodgson*

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Government Bill

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**The Parliament of New Zealand enacts as follows:**

### **1 Title**

- (1) This Act is the Fisheries Amendment Act **(No 2) 2003**.
- (2) In this Act, the Fisheries Act 1996<sup>1</sup> is called “the principal Act”.

<sup>1</sup> 1996 No 88

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### **Part 1**

#### **Preliminary provisions**

### **2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**3 Purpose**

- (1) The main purpose of this Act is to implement a negotiated settlement agreement reached between the Crown and the commercial seafood industry in respect of the under-recovery and over-recovery of the costs of fisheries services and conservation services relating to the period 1 October 1994 to 30 September 2002. 5
- (2) This Act—
- (a) validates various cost recovery levy orders and rules relating to the relevant period: 10
  - (b) provides for the reduction (or increase, in some cases) of the total amount to be recovered for any stock for the year commencing 1 October 2003 and subsequent years by the relevant amount of the agreed settlement sum allocated to that stock. 15
- (3) This Act also—
- (a) amends an offence provision in relation to fishing-related activities carried out to obtain a benefit in contravention of the principal Act:
  - (b) clarifies that references in the principal Act to **this Act** include references to rules and regulations made under that Act. 20

**4 Act binds the Crown**

This Act binds the Crown.

**Part 2**

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**Amendments to principal Act****5 Interpretation**

Section 2 of the principal Act is amended by inserting, after subsection (1), the following subsection:

- “(1A) References to **this Act** include references to rules and regulations made under this Act.” 30

**6 New section 233 substituted**

The principal Act is amended by repealing section 233, and substituting the following section:

- “233 **Knowingly acting in contravention of Act to obtain a benefit**
- “(1) Every person commits an offence who obtains any benefit by knowingly taking, possessing, receiving, procuring, processing, conveying, selling, or otherwise dealing with any fish, aquatic life, or seaweed otherwise than in accordance with this Act. 5
- “(2) Every person commits an offence who, with the intention of obtaining any benefit, knowingly takes, possesses, receives, procures, processes, conveys, sells, or otherwise deals with any fish, aquatic life, or seaweed otherwise than in accordance with this Act. 10
- “(3) For the purposes of this section, **benefit** includes any privilege, property, pecuniary advantage, or valuable consideration of any kind whether for that person or any other person. 15
- “(4) Every person who commits an offence against **subsection (1) or subsection (2)** is liable to the penalty set out in section 252(1).”
- 7 Penalties**
- Section 252(1) of the principal Act is amended by repealing paragraph (c), and substituting the following paragraph: 20
- “(c) **section 233(1) and (2)** (knowingly acting in contravention of Act to obtain a benefit).”
- 8 Levies**
- Section 264(2) of the principal Act is amended by inserting, before the words “The Minister must”, the words “Subject to **section 265A**,”. 25
- 9 New section 265 substituted**
- The principal Act is amended by repealing section 265, and substituting the following section:
- “265 **Under-recovery and over-recovery of costs** 30
- Without limiting anything in section 264, but subject to **section 265A**, the Minister must, in recommending the making of an order under section 264, have regard to the costs of any conservation services or fisheries services incurred by the Crown in a previous financial year that— 35
- “(a) were either—

- “(i) not recovered or not recoverable, in whole or in part, by a fee, charge, or levy relating to such services that was previously imposed under this Act or the Fisheries Act 1983; or
- “(ii) over-recovered or over-recoverable, in whole or in part, by a fee, charge, or levy relating to such services that was previously imposed under this Act or the Fisheries Act 1983; and
- “(b) the Minister has not previously had regard to under this section.”
- 10 New section 265A substituted**
- (1) The principal Act is amended by repealing section 265A, and substituting the following section:
- “265A Recommendation for levies payable in year commencing 1 October 2003 and subsequent years**
- (1) In making a recommendation under section 264 in respect of levies payable in the year commencing on 1 October 2003, the Minister must—
- “(a) first calculate the amount for each stock or other grouping that it would be appropriate to recover by way of levy as if there had been no under-recovery or over-recovery of costs in respect of the period 1 October 1994 to 30 September 2002 (both dates inclusive); and
- “(b) then—
- “(i) in the case of a stock or other grouping listed in **Part 1 of Schedule 9A**, reduce that amount by the relevant settlement sum allocated to that stock or other grouping in that schedule (or by so much of that settlement sum as would reduce the amount to zero);
- “(ii) in the case of a stock listed in **Part 2 of Schedule 9A**, increase that amount by the relevant settlement sum allocated to that stock in that schedule.
- “(2) In making a recommendation under section 264 in respect of levies payable in the year commencing on 1 October 2004 or in any subsequent year, the Minister must, after calculating the amount that it would be appropriate to recover by way of levy under this Part for any stock or other grouping listed in **Part 1 of Schedule 9A**, reduce that amount by the remaining balance (if any) of the relevant settlement sum allocated to

- that stock or other grouping in that schedule (or by so much of the remaining balance as would reduce the amount to zero).
- “(3) Where the Minister makes a recommendation under section 264 that results in an order amending a levy already fixed for any stock or other grouping for the relevant year, the Minister must, where appropriate,—
- 5
- “(a) adjust the remaining balance of the settlement sum for the stock or other grouping to reflect the effect of the amendment when taken together with the effect of the original levy order; and
- 10
- “(b) notify the adjusted remaining balance in accordance with **subsection (5)**.
- “(4) For the purposes of **subsections (2) and (3)** and section 265,—
- “(a) no account is to be taken of the costs of any conservation services or fisheries services incurred by the Crown in any financial year ending on or before 30 September 2002; and
- 15
- “(b) any reduction in the amount of costs recovered or recoverable by virtue of the application of any settlement sum under this section must be disregarded.
- 20
- “(5) The Minister must, as soon as practicable after making any recommendation under section 264 that has required an adjustment under **subsection (1)(b)(i) or subsection (2) or subsection (3)**, state the remaining balance for each affected stock or grouping by notice in the *Gazette*.
- 25
- “(6) In this section, **remaining balance** means the relevant settlement sum allocated to a stock or grouping under **Part 1 of Schedule 9A** less all previous adjustments made by the Minister under **subsection (1)(b)(i) or subsection (2)**, and less or plus (as the case may require) any adjustments made by the Minister under **subsection (3)**.”
- 30
- (2) Despite anything in the principal Act, for the purposes of levies payable for the year commencing on 1 October 2003—
- (a) the Fisheries (Cost Recovery Levies for Conservation Services) Order 2003 (SR 2003/209) and the Fisheries (Cost Recovery Levies for Fisheries Services) Order 2003 (SR 2003/210) are deemed never to have been made and in force; and
- 35
- (b) any order made under section 264 of the principal Act may, despite being made after 1 October 2003, impose
- 40
- levies on the basis of quota held, fish or aquatic life

- taken, and permits, leases, or licences held at any time or for any period between 1 October 2003 and the date of commencement of the order (both dates inclusive), as if the order had been made before 1 October 2003; but
- (c) no levy payable under any such order is payable earlier than 1 month after the date of commencement of the order. 5
- 11 Certain notices to have status of regulations**  
Section 303(2) of the principal Act is amended by inserting, after the expression “188,”, the expression “**265A(5)**”. 10
- 12 New Schedule 9A inserted**
- (1) The principal Act is amended by inserting, after the Ninth Schedule, the **Schedule 9A** set out in Schedule 1 of this Act.
- (2) The Governor-General may, by Order in Council, amend **Schedule 9A** for the purpose of updating any stock or species code reference to ensure consistency with other regulations, rules, or orders made under this Act. 15
- 13 Certain orders and rules validated**
- (1) The orders and rules set out in **Schedule 2** are deemed to have been validly made for all purposes, and every recommendation and every purported recommendation of the Minister made in respect of those orders and rules is deemed to be and always to have been validly made. 20
- (2) Nothing in **subsection (1)** affects any rights or obligations under a settlement of the proceedings referred to in section 14(1)(a) of the Subordinate Legislation (Confirmation and Validation) Act 2002. 25
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**Schedule 1** s 12  
**New Schedule 9A inserted in principal Act**

**Schedule 9A** s 265A  
**Allocation of cost recovery settlement sum to  
each stock** 5

Part 1  
Amounts of settlement sum to be credited to stock

Species or other grouping	Stock or species code	Settlement sum allocated (\$)	
Albacore tuna	ALB	598,273	10
Short and long-finned freshwater eels (South Island)	ANG11	3,135	
Short and long-finned freshwater eels (South Island)	ANG12	2,740	
Short and long-finned freshwater eels (South Island)	ANG13	9,129	15
Short and long-finned freshwater eels (South Island)	ANG14	2,415	
Short and long-finned freshwater eels (South Island)	ANG15	6,494	20
Short and long-finned freshwater eels (South Island)	ANG16	4,895	
Barracouta	BAR1	131,984	
Barracouta	BAR4	34,602	
Barracouta	BAR5	96,685	25
Barracouta	BAR7	137,167	
Blue cod	BCO1	5,960	
Blue cod	BCO2	1,522	
Blue cod	BCO3	11,259	
Blue cod	BCO4	28,991	30
Blue cod	BCO5	90,547	
Blue cod	BCO7	4,741	
Blue cod	BCO8	4,746	
Bigeye tuna	BIG	791,530	
Bluenose	BNS1	78,928	35
Bluenose	BNS2	49,244	
Bluenose	BNS3	24,330	
Bluenose	BNS7	10,166	
Bluenose	BNS8	6,416	
Seal shark	BSH	5,186	40
Butterfish	BUT1	33	
Butterfish	BUT2	643	
Butterfish	BUT3	33	
Butterfish	BUT4	109	
Butterfish	BUT5	459	45
Butterfish	BUT6	0	
Butterfish	BUT7	388	

## Part 1—continued

Species or other grouping	Stock or species code	Settlement sum allocated (\$)	
Alfonsino	BYX1	1,594	
Alfonsino	BYX2	91,656	
Alfonsino	BYX3	81,979	5
Alfonsino	BYX7	4,306	
Alfonsino	BYX8	2,742	
Cardinal fish	CDL1	8,914	
Cardinal fish	CDL2	0	
Cardinal fish	CDL3	277	10
Cardinal fish	CDL4	0	
Cardinal fish	CDL5	49	
Cardinal fish	CDL6	0	
Cardinal fish	CDL7	429	
Cardinal fish	CDL9	0	15
Cockle	COC1A	13,800	
Cockle	COC3	39,586	
Cockle	COC5	0	
Cockle	COC7A	15,329	
Rock lobster, spiny red	CRA1	78,131	20
Rock lobster, spiny red	CRA2	64,893	
Rock lobster, spiny red	CRA3	198,417	
Rock lobster, spiny red	CRA4	310,143	
Rock lobster, spiny red	CRA5	110,513	
Rock lobster, spiny red	CRA6	64,772	25
Rock lobster, spiny red	CRA7	51,224	
Rock lobster, spiny red	CRA8	238,591	
Rock lobster, spiny red	CRA9	9,989	
Elephant fish	ELE1	381	
Elephant fish	ELE2	924	30
Elephant fish	ELE3	98,561	
Elephant fish	ELE5	3,779	
Elephant fish	ELE7	5,569	
Blue (English) mackerel	EMA1	48,662	
Blue (English) mackerel	EMA2	1,160	35
Blue (English) mackerel	EMA3	2,516	
Blue (English) mackerel	EMA7	21,348	
Flatfish	FLA1	68,958	
Flatfish	FLA2	41,854	
Flatfish	FLA3	211,273	40
Flatfish	FLA7	117,372	
Frostfish	FRO1	2,258	
Frostfish	FRO2	0	
Frostfish	FRO3	426	
Frostfish	FRO4	0	45
Frostfish	FRO5	307	
Frostfish	FRO6	4	
Frostfish	FRO7	23,395	
Frostfish	FRO8	3,657	
Frostfish	FRO9	1,596	50



## Part 1—continued

Species or other grouping	Stock or species code	Settlement sum allocated (\$)	
Grey mullet	GMU1	181,094	
Grey mullet	GMU2	1,189	
Grey mullet	GMU3	1,527	5
Grey mullet	GMU7	1,061	
Ghost shark	GSH1	415	
Ghost shark	GSH2	676	
Ghost shark	GSH3	22,567	
Ghost shark	GSH4	4,071	10
Ghost shark	GSH5	2,349	
Ghost shark	GSH6	3,020	
Ghost shark	GSH7	12,061	
Ghost shark	GSH8	157	
Ghost shark	GSH9	197	15
Ghost shark pale	GSP1	0	
Ghost shark pale	GSP5	410	
Ghost shark pale	GSP7	70	
Red gurnard	GUR1	137,185	
Red gurnard	GUR2	38,208	20
Red gurnard	GUR3	50,602	
Red gurnard	GUR7	22,391	
Red gurnard	GUR8	22,142	
Hake	HAK1	457,661	
Hake	HAK4	77,376	25
Hake	HAK7	252,660	
Hoki	HOK1	2,361,747	
Hapuku and bass	HPB1	50,559	
Hapuku and bass	HPB2	29,784	
Hapuku and bass	HPB3	27,214	30
Hapuku and bass	HPB4	17,497	
Hapuku and bass	HPB5	34,074	
Hapuku and bass	HPB7	18,333	
Hapuku and bass	HPB8	6,372	
John dory	JDO1	63,924	35
John dory	JDO2	26,131	
John dory	JDO3	3,074	
John dory	JDO7	8,009	
Jack mackerel	JMA1	47,480	
Jack mackerel	JMA3	270,921	40
Jack mackerel	JMA7	188,720	
Kahawai	KAH	12,161	
Kahawai	KAH1	0	
Kahawai	KAH2	0	
Kahawai	KAH3	0	45
Lookdown dory	LDO	9,009	
Leatherjacket	LEA1	2,891	
Leatherjacket	LEA2	17,468	
Leatherjacket	LEA3	1,538	
Leatherjacket	LEA4	108	50

## Part 1—continued

Species or other grouping	Stock or species code	Settlement sum allocated (\$)	
Leatherjacket	LEA10	0	
Long-finned freshwater eel	LFE1	6,132	
Long-finned freshwater eel	LFE2	2,638	5
Long-finned freshwater eel	LFE4	642	
Long-finned freshwater eel	LFE8	2,816	
Long-finned freshwater eel	LFE9	606	
Ling	LIN1	5,425	
Ling	LIN2	18,516	10
Ling	LIN3	62,154	
Ling	LIN4	178,151	
Ling	LIN5	423,384	
Ling	LIN6	606,805	
Ling	LIN7	43,386	15
Trough shell	MDI	0	
Large trough shell	MMI	0	
Blue moki	MOK1	35,568	
Blue moki	MOK3	3,523	
Blue moki	MOK4	560	20
Blue moki	MOK5	1,182	
Octopus	OCT	5	
Oreo dories	OEO1	323,030	
Oreo dories	OEO3A	562,510	
Oreo dories	OEO4	625,055	25
Oreo dories	OEO6	343,891	
Orange roughy	ORH1	85,542	
Orange roughy	ORH2A	139,594	
Orange roughy	ORH2B	25,568	
Orange roughy	ORH3A	74,974	30
Orange roughy	ORH3B	1,648,364	
Orange roughy	ORH7A	40,136	
Orange roughy	ORH7B	32,377	
Oyster, dredge (except Foveaux Strait)	OYS	0	
Oyster, dredge (except Foveaux Strait)	OYS4	0	35
Oyster, dredge (except Foveaux Strait)	OYS5B	0	
Oyster, dredge (except Foveaux Strait)	OYS7	47,564	
Oyster, dredge (Foveaux Strait)	OYU5	133,107	
Paddle crab	PAD	0	
Paddle crab	PAD1	2,254	40
Paddle crab	PAD2	1,129	
Paddle crab	PAD3	1,027	
Paddle crab	PAD4	257	
Paddle crab	PAD5	513	
Paddle crab	PAD6	0	45
Paddle crab	PAD7	1,025	
Paddle crab	PAD8	615	
Paddle crab	PAD9	1,025	
Paua	PAU1	4,912	
Paua	PAU2	65,097	50

## Part 1—continued

Species or other grouping	Stock or species code	Settlement sum allocated (\$)	
Paua	PAU3	36,644	
Paua	PAU4	130,173	
Paua	PAU5A	89,016	5
Paua	PAU5B	92,098	
Paua	PAU5D	89,718	
Paua	PAU6	0	
Paua	PAU7	53,803	
Deepwater tuatua	PDO	0	10
Packhorse rock lobster	PHC1	2,734	
Pipi	PPI	1,560	
Patagonian toothfish	PTO	434	
Queen scallop	QSC3	8,044	
Ray's bream	RBM	15,062	15
Rubyfish	RBY1	1,081	
Rubyfish	RBY2	0	
Rubyfish	RBY3	2	
Rubyfish	RBY4	0	
Rubyfish	RBY7	12	20
Rubyfish	RBY8	0	
Rubyfish	RBY9	101	
Red cod	RCO1	2,115	
Red cod	RCO2	13,619	
Red cod	RCO3	324,699	25
Red cod	RCO7	43,316	
Ribaldo	RIB1	3,946	
Ribaldo	RIB2	5,566	
Ribaldo	RIB3	10,709	
Ribaldo	RIB4	15,258	30
Ribaldo	RIB5	2,945	
Ribaldo	RIB6	9,153	
Ribaldo	RIB7	4,079	
Ribaldo	RIB8	49	
Ribaldo	RIB9	96	35
Rough skate	RSK1	104	
Rough skate	RSK3	1,553	
Rough skate	RSK7	189	
Rough skate	RSK8	20	
Rough skate	RSK10	0	40
Red (golden) snapper	RSN	11,380	
Triangle shell	SAE	0	
Southern blue whiting	SBW1	13	
Southern blue whiting	SBW3	0	
Southern blue whiting	SBW4	0	45
Southern blue whiting	SBW5	0	
Southern blue whiting	SBW6A	0	
Southern blue whiting	SBW6B	124,702	
Southern blue whiting	SBW6I	554,427	
Southern blue whiting	SBW6R	5,806	50

## Part 1—continued

<b>Species or other grouping</b>	<b>Stock or species code</b>	<b>Settlement sum allocated (\$)</b>	
Scallop	SCA1	509,388	
Scallop	SCA4	0	
Scallop	SCA7	150,362	5
Scallop	SCA9	0	
Scallop	SCACS	184,799	
School shark	SCH1	30,637	
School shark	SCH2	9,688	
School shark	SCH3	33,195	10
School shark	SCH4	7,012	
School shark	SCH5	29,870	
School shark	SCH7	22,907	
School shark	SCH8	18,399	
Scampi	SCI1	51,573	15
Scampi	SCI2	45,786	
Scampi	SCI3	42,188	
Scampi	SCI4	42,391	
Scampi	SCI5	0	
Scampi	SCI6A	9,938	20
Scampi	SCI6B	16,823	
Scampi	SCI7	0	
Scampi	SCI8	483	
Scampi	SCI9	0	
Short-finned freshwater eel	SFE1	19,279	25
Short-finned freshwater eel	SFE2	4,071	
Short-finned freshwater eel	SFE4	966	
Short-finned freshwater eel	SFE8	3,525	
Short-finned freshwater eel	SFE9	1,217	
Gemfish, southern kingfish	SKI1	41,508	30
Gemfish, southern kingfish	SKI2	42,984	
Gemfish, southern kingfish	SKI3	22,654	
Gemfish, southern kingfish	SKI7	19,810	
Skipjack tuna	SKJ	400,510	
Snapper	SNA1	1,717,023	35
Snapper	SNA2	50,819	
Snapper	SNA3	2,585	
Snapper	SNA7	53,791	
Snapper	SNA8	187,209	
Spiny dogfish	SPD	180,867	40
Spiny dogfish	SPD3	0	
Spiny dogfish	SPD4	0	
Spiny dogfish	SPD5	0	
Spiny dogfish	SPD6	0	
Spiny dogfish	SPD7	0	45
Spiny dogfish	SPD8	0	
Sea perch, Jock Stewart	SPE1	2,387	
Sea perch, Jock Stewart	SPE2	5,100	
Sea perch, Jock Stewart	SPE3	63,135	
Sea perch, Jock Stewart	SPE4	38,719	50

## Part 1—continued

Species or other grouping	Stock or species code	Settlement sum allocated (\$)	
Sea perch, Jock Stewart	SPE5	2,562	
Sea perch, Jock Stewart	SPE6	286	
Sea perch, Jock Stewart	SPE7	7,292	5
Sea perch, Jock Stewart	SPE8	1,134	
Sea perch, Jock Stewart	SPE9	517	
Rig, spotted dogfish	SPO1	52,073	
Rig, spotted dogfish	SPO2	6,243	
Rig, spotted dogfish	SPO3	76,348	10
Rig, spotted dogfish	SPO7	24,678	
Rig, spotted dogfish	SPO8	21,318	
Arrow squid	SQU1J	570,624	
Arrow squid	SQU1T	643,213	
Arrow squid	SQU6T	889,637	15
Smooth skate	SSK1	35	
Smooth skate	SSK3	544	
Smooth skate	SSK4	0	
Smooth skate	SSK5	0	
Smooth skate	SSK6	0	20
Smooth skate	SSK7	200	
Smooth skate	SSK8	19	
Smooth skate	SSK9	0	
Giant stargazer	STA1	1,537	
Giant stargazer	STA2	2,282	25
Giant stargazer	STA3	53,274	
Giant stargazer	STA4	110,180	
Giant stargazer	STA5	106,479	
Giant stargazer	STA7	25,124	
Giant stargazer	STA8	1,454	30
Southern bluefin tuna	STN	109,289	
Sea urchin, kina, sea egg	SUR	7,770	
Sea urchin, kina, sea egg	SUR3	800	
Sea urchin, kina, sea egg	SUR4	8,256	
Sea urchin, kina, sea egg	SUR5	9,011	35
Sea urchin, kina, sea egg	SUR7A	4,980	
Sea urchin, kina, sea egg	SUR7B	381	
Sea urchin, kina, sea egg	SUR8	0	
Silver warehou	SWA1	37,737	
Silver warehou	SWA3	57,766	40
Silver warehou	SWA4	64,234	
Swordfish	SWO	914,221	
Tarakihi	TAR1	91,030	
Tarakihi	TAR2	96,411	
Tarakihi	TAR3	44,927	45
Tarakihi	TAR4	10,691	
Tarakihi	TAR5	5,723	
Tarakihi	TAR7	32,760	
Tarakihi	TAR8	13,952	
Trevally	TRE1	79,366	50

## Part 1—continued

Species or other grouping	Stock or species code	Settlement sum allocated (\$)	
Trevally	TRE2	10,699	
Trevally	TRE3	585	
Trevally	TRE7	61,635	5
Trumpeter	TRU1	3	
Trumpeter	TRU2	57	
Trumpeter	TRU3	636	
Trumpeter	TRU4	184	
Trumpeter	TRU5	40	10
Trumpeter	TRU7	15	
Trumpeter	TRU8	0	
Tuatua	TUA	0	
Common (blue) warehou	WAR1	1,759	
Common (blue) warehou	WAR2	14,432	15
Common (blue) warehou	WAR3	43,896	
Common (blue) warehou	WAR7	18,398	
Common (blue) warehou	WAR8	5,633	
White warehou	WWA1	43	
White warehou	WWA2	988	20
White warehou	WWA3	12,980	
White warehou	WWA4	4,163	
White warehou	WWA5	35,837	
White warehou	WWA6	4,363	
White warehou	WWA7	2,083	25
White warehou	WWA8	0	
Yellow-eyed mullet	YEM1	146	
Yellow-eyed mullet	YEM2	5	
Yellow-eyed mullet	YEM3	0	
Yellow-eyed mullet	YEM7	0	30
Yellow-eyed mullet	YEM8	0	
Yellow-eyed mullet	YEM9	0	
Yellowfin tuna	YFN	101,078	
Aquaculture		172,360	

## Part 2

## Amounts of settlement sum to be charged to stock

Species	Stock or species code	Settlement sum allocated (\$)	
Cardinal fish	CDL2	5,789	
Ghost shark pale	GSP1	166	40
Kingfish	KIN1	241	
Kingfish	KIN2	167	
Kingfish	KIN3	3	
Kingfish	KIN4	3	
Kingfish	KIN7	19	45
Kingfish	KIN8	95	
Kingfish	KIN10	3	

Part 2—continued

Species	Stock or species code	Settlement sum allocated (\$)	
Paua	PAU6	8	
Rubyfish	RBY2	555	
Southern blue whiting	SBW6A	1,912	5
Scampi	SCI5	13,966	
Scampi	SCI7	312	
Tuatua	TUA	657	
Yellow-eyed mullet	YEM3	2	
Yellow-eyed mullet	YEM7	2	10
Yellow-eyed mullet	YEM8	1	
Yellow-eyed mullet	YEM9	9	

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## Schedule 2

### Orders and rules validated

<b>Fisheries (Cost Recovery Levies) Order 1995</b> (SR 1995/280)	
<b>Fisheries (Cost Recovery Levies) Order 1996</b> (SR 1996/267)	5
<b>Fisheries (Cost Recovery Levies) Amendment Order 1997</b> (SR 1997/81)	
<b>Fisheries (Cost Recovery Levies) Order 1997</b> (SR 1997/189)	
<b>Fisheries (Cost Recovery Levies) Amendment Order 1998</b> (SR 1998/29)	10
<b>Fisheries (Cost Recovery Levies) Order 1998</b> (SR 1998/278)	
<b>Fisheries (Cost Recovery Levies) Amendment Order 1998</b> (SR 1998/306)	
<b>Fisheries (Cost Recovery Levies) Amendment Order 1999</b> (SR 1999/47)	15
<b>Fisheries (Cost Recovery Levies) Order 1999</b> (SR 1999/268)	
<b>Fisheries (Cost Recovery Levies) Amendment Order (No 2) 1999</b> (SR 1999/295)	
<b>Fisheries (Cost Recovery Levies) Order (No 2) 1999</b> (SR 1999/411)	20
<b>Fisheries (Cost Recovery Levies) Amendment Order 2000</b> (SR 2000/159)	
<b>Fisheries (Cost Recovery Levies) Order 2000</b> (SR 2000/178)	
<b>Fisheries (Cost Recovery Levies) Amendment Order 2001</b> (SR 2001/91)	25
<b>Fisheries (Cost Recovery) Rules 2001</b> (SR 2001/229)	
<b>Fisheries (Cost Recovery Levies) Order 2001</b> (SR 2001/281)	
<b>Fisheries (Cost Recovery Levies) Amendment Order (No 2) 2001</b> (SR 2001/354)	
<b>Fisheries (Cost Recovery Levies) Amendment Order 2002</b> (SR 2002/38)	30
<b>Fisheries (Cost Recovery) Amendment Rules 2002</b> (SR 2002/212)	

Wellington, New Zealand: Published under the authority of the  
New Zealand Government—2003

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20-OCT-03  
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Price code: J