Fisheries (Cost Recovery Levies for Conservation Services) Order 2002

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 18th day of September 2002

Present:
The Right Hon Helen Clark presiding in Council

Pursuant to section 264 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 order.

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Order

1 Title

This order is the Fisheries (Cost Recovery Levies for Conservation Services) Order 2002.

2 Commencement

This order comes into force on 1 October 2002.

3 Interpretation

Unless the context otherwise requires, fishstock codes and other expressions used in the Schedule have the same meanings as in Parts 1 and 2 of Schedule 3 of the Fisheries (Reporting) Regulations 2001.

4 Monthly levies on quota holders

(1) A monthly levy in respect of conservation services is payable in respect of—

(a) every guaranteed minimum individual transferable quota; and

(b) every individual transferable quota; and

(c) every provisional individual transferable quota.

(2) The monthly levy is payable for each quota share at the appropriate rate (or at the equivalent rate expressed as dollars per tonne) according to the species or class of fish, aquatic life, or seaweed as specified in Part 1 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.

5 Annual non-ITQ levies

(1) Every holder of a fishing permit issued under section 91 of the Fisheries Act 1996 who takes for the purpose of sale any fish or aquatic life specified in Part 2 of the Schedule that is not subject to the quota management system must pay an annual levy in respect of conservation services 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 97(1)(c) of the Fisheries Act 1996 who takes for the purposes of sale any fish or aquatic life specified in Part 2 of the Schedule that is not subject to the quota management system must pay an annual levy in respect of conservation services 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.

(3) Nothing in this clause requires payment of an annual levy in respect of fish or aquatic life that is taken pursuant to quota for which a monthly levy is payable under clause 4.

6 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(1) of the Fisheries Act 1996) for sale under a permit issued under section 91 or section 97(1)(c) of the Fisheries Act 1996; or

(b) any such permit, to the extent it authorises the taking of seaweed for sale.

7 Levies exclusive of GST

The levies payable under this order are exclusive of goods and services tax.

8 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.

Schedule
Levies

cls 4, 5

Part 1
Monthly levies on quota holders for conservation services

Fishstock	Monthly levy ($ per share, GST excl)	Equivalent expressed as $ per tonne (GST excl)
BUT3	0.000001	33.33
BUT5	0.000001	2.22
ELE3	0.000005	0.61
ELE5	0.000001	1.00
HAK7	0.000020	0.29
HOK1	0.000200	0.10
LIN1	0.000010	3.78
LIN2	0.000035	3.56

Part 1—*continued*

Fishstock	Monthly levy ($ per share, GST excl)	Equivalent expressed as $ per tonne (GST excl)
LIN3	0.000094	4.56
LIN4	0.000206	4.90
LIN5	0.000153	5.10
LIN6	0.000309	4.35
LIN7	0.000104	4.67
MOK3	0.000001	0.79
SBW6A	0.000002	0.12
SBW6B	0.000010	0.13
SBW6I	0.000037	0.12
SBW6R	0.000007	0.13
SCH3	0.000002	0.62
SCH5	0.000006	0.86
SCH7	0.000001	0.19
SNA1	0.000207	4.60
SPO3	0.000005	0.83
SPO7	0.000001	0.29
SQU1T	0.000282	0.66
SQU6T	0.000200	0.66

Part 2

Levies on non-ITQ species for conservation services

Fishstock	Annual levy ($ per tonne) (GST excl)
BIG	350.41
BUT	25.69
STN	498.99
SWO	147.14
YFN	240.63

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 October 2002, sets levies that recover the costs of conservation services that are to be recovered by way of levies in accordance with the Fisheries (Cost Recovery) Rules 2001.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 26 September 2002.
This order is administered in the Ministry of Fisheries.