



Fisheries (Cost Recovery Levies for Fisheries Services) Order 2002

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 23rd day of July 2002

Present:

Her Excellency the Governor-General 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 Fisheries Services) Order 2002.

2 Commencement

This order comes into force on 1 October 2002.

3 Interpretation

- (1) 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.
- (2) **Foveaux Strait oysters** means molluscs of the species *Tios-trea 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.

4 Monthly levies on quota holders

- (1) A monthly levy in respect of fisheries 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 (or for each oyster, in the case of Foveaux Strait oysters) 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 purposes of sale any fish or aquatic life specified in Part 2 of the Schedule must pay an annual levy in respect of fisheries 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 that Act who takes for the purposes of sale any fish or aquatic life specified in Part 2 of the Schedule must pay an

annual levy in respect of fisheries 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.

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 in respect of fisheries services specified in Part 3 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 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 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.

8 Levies exclusive of GST

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

9 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.

10 Revocation

The Fisheries (Cost Recovery Levies) Order 2001 (SR 2001/281) is revoked.

11 Saving

Nothing in clause 10 extinguishes any liability arising before the commencement of this order under the Fisheries (Cost Recovery Levies) Order 2001.

Schedule Levies

cls 4, 5, 6

Part 1 Monthly levies on quota holders for fisheries services

| Fishstock | Monthly levy (\$ per share, GST excl) | Equivalent expressed as \$ per tonne (GST excl) |
|-----------|--|--|
| ANG11 | 0.000005 | 13.37 |
| ANG12 | 0.000006 | 13.37 |
| ANG13 | 0.000010 | 13.37 |
| ANG14 | 0.000008 | 22.17 |
| ANG15 | 0.000019 | 16.00 |
| ANG16 | 0.000008 | 13.37 |
| BAR1 | 0.000047 | 0.43 |
| BAR4 | 0.000017 | 0.57 |
| BAR5 | 0.000044 | 0.60 |
| BAR7 | 0.000051 | 0.47 |
| BCO1 | 0.000005 | 10.31 |
| BCO2 | 0.000001 | 8.38 |
| BCO3 | 0.000022 | 13.86 |
| BCO4 | 0.000067 | 8.85 |
| BCO5 | 0.000152 | 9.93 |
| BCO7 | 0.000006 | 8.84 |
| BCO8 | 0.000007 | 9.08 |
| BNS1 | 0.000054 | 5.42 |
| BNS2 | 0.000064 | 7.30 |
| BNS3 | 0.000064 | 6.88 |
| BNS7 | 0.000007 | 4.83 |
| BNS8 | 0.000005 | 5.43 |
| BYX1 | 0.000006 | 2.05 |
| BYX2 | 0.000044 | 2.81 |
| BYX3 | 0.000056 | 5.51 |
| BYX7 | 0.000002 | 3.03 |
| BYX8 | 0.000001 | 3.06 |
| CDL1 | 0.000011 | 0.92 |
| CDL2 | 0.000018 | 0.80 |
| CDL3 | 0.000002 | 0.79 |
| CDL4 | 0.000000 | 0.76 |
| CDL5 | 0.000000 | 0.68 |
| CDL6 | 0.000000 | 0.59 |
| CDL7 | 0.000000 | 0.79 |
| CDL9 | 0.000000 | 0.59 |
| CRA1 | 0.000101 | 77.53 |
| CRA2 | 0.000213 | 90.10 |
| CRA3 | 0.000200 | 61.04 |
| CRA4 | 0.000323 | 56.12 |
| CRA5 | 0.000227 | 64.85 |
| CRA6 | 0.000156 | 43.47 |
| CRA7 | 0.000065 | 72.67 |
| CRA8 | 0.000266 | 46.75 |
| CRA9 | 0.000026 | 55.77 |
| ELE1 | 0.000000 | 1.29 |
| ELE2 | 0.000001 | 2.60 |
| ELE3 | 0.000050 | 6.08 |
| ELE5 | 0.000003 | 2.72 |

Part 1—continued

| Fishstock | | | Monthly levy (\$ per share, GST excl) | Equivalent expressed as \$ per tonne (GST excl) |
|-----------|-----|-----|--|--|
| ELE7 | ... | ... | 0.000003 | 2.99 |
| FLA1 | ... | ... | 0.000094 | 7.94 |
| FLA2 | ... | ... | 0.000043 | 5.96 |
| FLA3 | ... | ... | 0.000158 | 5.91 |
| FLA7 | ... | ... | 0.000116 | 5.64 |
| FRO1 | ... | ... | 0.000000 | 0.26 |
| FRO2 | ... | ... | 0.000000 | 0.17 |
| FRO3 | ... | ... | 0.000001 | 0.54 |
| FRO4 | ... | ... | 0.000000 | 0.15 |
| FRO5 | ... | ... | 0.000001 | 0.47 |
| FRO6 | ... | ... | 0.000000 | 0.35 |
| FRO7 | ... | ... | 0.000013 | 0.50 |
| FRO8 | ... | ... | 0.000002 | 0.35 |
| FRO9 | ... | ... | 0.000000 | 0.08 |
| GMU1 | ... | ... | 0.000024 | 2.34 |
| GMU2 | ... | ... | 0.000000 | 0.88 |
| GMU3 | ... | ... | 0.000000 | 1.62 |
| GMU7 | ... | ... | 0.000000 | 0.88 |
| GSH1 | ... | ... | 0.000000 | 1.36 |
| GSH2 | ... | ... | 0.000000 | 0.89 |
| GSH3 | ... | ... | 0.000013 | 1.14 |
| GSH4 | ... | ... | 0.000006 | 1.72 |
| GSH5 | ... | ... | 0.000002 | 1.71 |
| GSH6 | ... | ... | 0.000002 | 1.75 |
| GSH7 | ... | ... | 0.000015 | 1.35 |
| GSH8 | ... | ... | 0.000000 | 0.90 |
| GSH9 | ... | ... | 0.000000 | 1.39 |
| GSP1 | ... | ... | 0.000011 | 2.08 |
| GSP5 | ... | ... | 0.000003 | 2.22 |
| GSP7 | ... | ... | 0.000004 | 2.04 |
| GUR1 | ... | ... | 0.000090 | 3.91 |
| GUR2 | ... | ... | 0.000026 | 3.62 |
| GUR3 | ... | ... | 0.000048 | 5.28 |
| GUR7 | ... | ... | 0.000076 | 11.28 |
| GUR8 | ... | ... | 0.000017 | 3.07 |
| HAK1 | ... | ... | 0.000273 | 7.52 |
| HAK4 | ... | ... | 0.000211 | 6.02 |
| HAK7 | ... | ... | 0.000151 | 2.21 |
| HOK1 | ... | ... | 0.005469 | 2.73 |
| HPB1 | ... | ... | 0.000035 | 7.27 |
| HPB2 | ... | ... | 0.000018 | 6.63 |
| HPB3 | ... | ... | 0.000023 | 6.93 |
| HPB4 | ... | ... | 0.000026 | 8.05 |
| HPB5 | ... | ... | 0.000034 | 7.54 |
| HPB7 | ... | ... | 0.000018 | 7.54 |
| HPB8 | ... | ... | 0.000009 | 11.09 |
| JDO1 | ... | ... | 0.000069 | 9.82 |
| JDO2 | ... | ... | 0.000016 | 6.01 |
| JDO3 | ... | ... | 0.000002 | 6.72 |
| JDO7 | ... | ... | 0.000006 | 6.68 |
| JMA1 | ... | ... | 0.000090 | 0.90 |
| JMA3 | ... | ... | 0.000106 | 0.59 |
| JMA7 | ... | ... | 0.000186 | 0.57 |
| LIN1 | ... | ... | 0.000009 | 3.23 |

Part 1—*continued*

| Fishstock | Monthly levy (\$ per share, GST excl) | Equivalent expressed as \$ per tonne (GST excl) |
|-----------|--|--|
| LIN2 | 0.000027 | 2.74 |
| LIN3 | 0.000086 | 4.19 |
| LIN4 | 0.000166 | 3.95 |
| LIN5 | 0.000118 | 3.94 |
| LIN6 | 0.000243 | 3.42 |
| LIN7 | 0.000088 | 3.94 |
| MOK1 | 0.000023 | 5.77 |
| MOK3 | 0.000005 | 3.98 |
| MOK4 | 0.000001 | 4.04 |
| MOK5 | 0.000002 | 3.98 |
| OEO1 | 0.000128 | 2.55 |
| OEO3A | 0.001225 | 31.42 |
| OEO4 | 0.000168 | 3.22 |
| OEO6 | 0.000154 | 2.57 |
| ORH1 | 0.000110 | 7.87 |
| ORH2A | 0.000092 | 8.32 |
| ORH2B | 0.000018 | 9.49 |
| ORH3A | 0.000118 | 28.42 |
| ORH3B | 0.002986 | 23.51 |
| ORH7A | 0.000000 | 6.89 |
| ORH7B | 0.000009 | 8.12 |
| OYS7 | 0.000050 | 9.97 |
| PAU1 | 0.000001 | 42.90 |
| PAU2 | 0.000063 | 51.62 |
| PAU3 | 0.000047 | 50.87 |
| PAU4 | 0.000225 | 68.87 |
| PAU5A | 0.000070 | 46.99 |
| PAU5B | 0.000061 | 54.57 |
| PAU5D | 0.000084 | 56.47 |
| PAU6 | 0.000000 | 45.26 |
| PAU7 | 0.000301 | 125.04 |
| PHC1 | 0.000016 | 38.74 |
| RBV1 | 0.000001 | 0.71 |
| RBV2 | 0.000002 | 0.55 |
| RBV3 | 0.000000 | 0.29 |
| RBV4 | 0.000000 | 3.09 |
| RBV7 | 0.000000 | 0.23 |
| RBV8 | 0.000000 | 0.70 |
| RBV9 | 0.000000 | 0.67 |
| RCO1 | 0.000001 | 1.31 |
| RCO2 | 0.000007 | 1.44 |
| RCO3 | 0.000407 | 3.28 |
| RCO7 | 0.000101 | 3.24 |
| RIB1 | 0.000002 | 1.35 |
| RIB2 | 0.000002 | 1.38 |
| RIB3 | 0.000005 | 1.20 |
| RIB4 | 0.000005 | 1.31 |
| RIB5 | 0.000001 | 1.31 |
| RIB6 | 0.000002 | 1.31 |
| RIB7 | 0.000001 | 1.18 |
| RIB8 | 0.000000 | 0.99 |
| RIB9 | 0.000000 | 0.99 |
| SBW1 | 0.000000 | 0.93 |
| SBW6A | 0.000015 | 0.93 |

Part 1—continued

| Fishstock | | | Monthly levy (\$ per share, GST excl) | Equivalent expressed as \$ per tonne (GST excl) |
|-----------|-----|-----|--|--|
| SBW6B | ... | ... | 0.000113 | 1.42 |
| SBW61 | ... | ... | 0.001521 | 5.07 |
| SBW6R | ... | ... | 0.000061 | 1.12 |
| SCA7 | ... | ... | 0.000147 | 20.38 |
| SCAC5 | ... | ... | 0.000039 | 177.26 |
| SCA1 | ... | ... | 0.000096 | 238.98 |
| SCH1 | ... | ... | 0.000021 | 3.13 |
| SCH2 | ... | ... | 0.000007 | 3.49 |
| SCH3 | ... | ... | 0.000013 | 4.09 |
| SCH4 | ... | ... | 0.000010 | 4.03 |
| SCH5 | ... | ... | 0.000024 | 3.42 |
| SCH7 | ... | ... | 0.000020 | 3.76 |
| SCH8 | ... | ... | 0.000016 | 3.68 |
| SK11 | ... | ... | 0.000054 | 25.89 |
| SK12 | ... | ... | 0.000067 | 27.77 |
| SK13 | ... | ... | 0.000011 | 3.56 |
| SK17 | ... | ... | 0.000010 | 3.25 |
| SNA1 | ... | ... | 0.000664 | 14.77 |
| SNA2 | ... | ... | 0.000030 | 11.87 |
| SNA3 | ... | ... | 0.000002 | 6.57 |
| SNA7 | ... | ... | 0.000015 | 7.51 |
| SNA8 | ... | ... | 0.000741 | 49.38 |
| SPE1 | ... | ... | 0.000000 | 1.41 |
| SPE2 | ... | ... | 0.000000 | 0.63 |
| SPE3 | ... | ... | 0.000016 | 1.62 |
| SPE4 | ... | ... | 0.000005 | 0.89 |
| SPE5 | ... | ... | 0.000000 | 0.93 |
| SPE6 | ... | ... | 0.000000 | 0.47 |
| SPE7 | ... | ... | 0.000001 | 0.67 |
| SPE8 | ... | ... | 0.000000 | 1.23 |
| SPE9 | ... | ... | 0.000000 | 1.72 |
| SPO1 | ... | ... | 0.000037 | 5.40 |
| SPO2 | ... | ... | 0.000003 | 4.06 |
| SPO3 | ... | ... | 0.000021 | 3.42 |
| SPO7 | ... | ... | 0.000013 | 3.70 |
| SPO8 | ... | ... | 0.000016 | 5.09 |
| SQU1J | ... | ... | 0.000763 | 1.52 |
| SQU1T | ... | ... | 0.000869 | 2.03 |
| SQU6T | ... | ... | 0.000569 | 1.87 |
| STA1 | ... | ... | 0.000000 | 1.51 |
| STA2 | ... | ... | 0.000001 | 1.50 |
| STA3 | ... | ... | 0.000047 | 5.24 |
| STA4 | ... | ... | 0.000057 | 2.82 |
| STA5 | ... | ... | 0.000027 | 2.11 |
| STA7 | ... | ... | 0.000081 | 11.52 |
| STA8 | ... | ... | 0.000001 | 2.77 |
| SWA1 | ... | ... | 0.000035 | 1.64 |
| SWA3 | ... | ... | 0.000038 | 1.16 |
| SWA4 | ... | ... | 0.000054 | 1.33 |
| TAR1 | ... | ... | 0.000043 | 3.05 |
| TAR2 | ... | ... | 0.000051 | 3.13 |
| TAR3 | ... | ... | 0.000051 | 4.37 |
| TAR4 | ... | ... | 0.000007 | 2.09 |
| TAR5 | ... | ... | 0.000003 | 2.12 |

Part 1—*continued*

| Fishstock | | | Monthly levy (\$ per share, GST excl) | Equivalent expressed as \$ per tonne (GST excl) |
|-----------|-----|-----|--|--|
| TAR7 | ... | ... | 0.000078 | 7.14 |
| TAR8 | ... | ... | 0.000006 | 2.65 |
| TRE1 | ... | ... | 0.000080 | 5.33 |
| TRE2 | ... | ... | 0.000006 | 2.56 |
| TRE3 | ... | ... | 0.000000 | 2.08 |
| TRE7 | ... | ... | 0.000086 | 3.98 |
| TRU1 | ... | ... | 0.000000 | 1.81 |
| TRU2 | ... | ... | 0.000000 | 2.42 |
| TRU3 | ... | ... | 0.000001 | 3.93 |
| TRU4 | ... | ... | 0.000001 | 2.53 |
| TRU5 | ... | ... | 0.000001 | 3.40 |
| TRU7 | ... | ... | 0.000000 | 4.29 |
| TRU8 | ... | ... | 0.000000 | 1.80 |
| WAR1 | ... | ... | 0.000001 | 1.24 |
| WAR2 | ... | ... | 0.000008 | 1.34 |
| WAR3 | ... | ... | 0.000034 | 1.36 |
| WAR7 | ... | ... | 0.000013 | 1.19 |
| WAR8 | ... | ... | 0.000003 | 1.15 |
| WWA1 | ... | ... | 0.000000 | 1.86 |
| WWA2 | ... | ... | 0.000001 | 1.80 |
| WWA3 | ... | ... | 0.000006 | 1.57 |
| WWA4 | ... | ... | 0.000004 | 1.82 |
| WWA5 | ... | ... | 0.000039 | 1.81 |
| WWA6 | ... | ... | 0.000009 | 1.82 |
| WWA7 | ... | ... | 0.000001 | 1.86 |
| WWA8 | ... | ... | 0.000000 | 1.86 |
| YEM1 | ... | ... | 0.000001 | 3.72 |
| YEM2 | ... | ... | 0.000000 | 4.07 |
| YEM3 | ... | ... | 0.000000 | 1.03 |
| YEM7 | ... | ... | 0.000000 | 2.33 |
| YEM8 | ... | ... | 0.000000 | 3.49 |
| YEM9 | ... | ... | 0.000000 | 0.74 |

Monthly levy on Foveaux Strait oysters (OYU5) is \$0.009235 per oyster.

Part 2

Levies on non-ITQ species for fisheries services

| Fishstock | Annual levy (\$ per tonne) (GST excl) | Fishstock | Annual levy (\$ per tonne) (GST excl) |
|-----------|--|-----------|--|
| ALB | 91.13 | SCI3 | 647.38 |
| BIG | 436.73 | SCI4 | 581.51 |
| BSH | 10.18 | SCI5 | 425.69 |
| EMA | 21.59 | SCI6A | 577.52 |
| KAH | 42.92 | SFE | 183.27 |
| KIN | 299.95 | SCI6B | 577.52 |
| LDO | 16.77 | SCI7 | 424.80 |
| LEA | 7.35 | SCI8 | 0.00 |
| LFE | 183.27 | SCI9 | 0.00 |
| OCT | 25.47 | SKA | 13.74 |
| PPI | 61.37 | SKJ | 14.53 |
| PTO | 042.02 | SPD | 13.16 |
| QSC | 294.15 | STN | 565.26 |
| RBM | 017.58 | SUR | 15.10 |
| RSN | 102.58 | SWO | 576.88 |
| SCI1 | 625.63 | TUA | 55.79 |
| SCI2 | 554.68 | YFN | 299.28 |

Part 3

Aquaculture levies for fisheries services

| Permit or interest held | Annual levy (\$) (GST excl) |
|--|-----------------------------------|
| Spat catching permit or freshwater fish farm licence, per permit or licence | 88.00 |
| Marine farming permit, marine farm lease, or marine farm licence— | |
| (a) per permit, lease, or licence | 88.00 |
| (b) per hectare or part hectare of area covered by permit, lease, or licence | 20.21 |

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, revokes and replaces the Fisheries (Cost Recovery Levies) Order 2001.

The new levies recover the costs of fisheries services (but not 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*: 1 August 2002.

This order is administered in the Ministry of Fisheries.
