Fisheries (Cost Recovery Levies for Fisheries Services) Order 2004

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 22nd day of March 2004

Present:
The Right Hon Helen Clark presiding in Council

Pursuant to section 264 of the Fisheries Act 1996 and section 10(2) of the Fisheries Amendment Act 2004, 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 2004.

2 Commencement

This order comes into force on 1 April 2004.

3 Application

The order applies in respect of any quota held, fish or aquatic life taken, and permits, leases, or licences held at any time for any period during the fishing year commencing on 1 October 2003.

4 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 *Tiostrea 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.

5 Monthly levies on quota owners

(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 owners irrespective of whether or not the fish, aquatic life, or seaweed to which the quota relates is taken.

6 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 that is not

subject to the quota management system 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 that is not subject to the quota management system 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.

(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 5.

7 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.

8 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.

9 Levies exclusive of GST

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

10 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.

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Schedule
Levies

Part 1
Monthly levies on quota owners for fisheries services

Fishstock	Monthly levy ($ per share, GST excl)	Equivalent expressed as $ per tonne (GST excl)
ANC1	0.000001	0.50
ANC2	0.000001	1.00
ANC3	0.000000	0.00
ANC4	0.000000	0.00
ANC7	0.000001	1.00
ANC8	0.000001	1.00
ANG11	0.000009	22.50
ANG12	0.000012	28.08
ANG13	0.000030	24.60
ANG14	0.000011	31.34
ANG15	0.000035	29.75
ANG16	0.000014	22.32
BAR1	0.000000	0.00

Part 1—*continued*

Fishstock	Monthly levy ($ per share, GST excl)	Equivalent expressed as $ per tonne (GST excl)
BAR4	0.000000	0.00
BAR5	0.000000	0.00
BAR7	0.000000	0.00
BCO1	0.000000	0.00
BCO2	0.000000	0.00
BCO3	0.000000	0.00
BCO4	0.000000	0.00
BCO5	0.000000	0.00
BCO7	0.000000	0.00
BCO8	0.000000	0.00
BNS1	0.000000	0.00
BNS2	0.000006	0.69
BNS3	0.000018	1.95
BNS7	0.000000	0.00
BNS8	0.000000	0.00
BUT1	0.000000	0.00
BUT2	0.000005	7.94
BUT3	0.000000	0.00
BUT4	0.000001	10.00
BUT5	0.000001	2.22
BUT6	0.000000	0.00
BUT7	0.000003	7.89
BYA1	0.000000	0.00
BYA2	0.000000	0.00
BYA3	0.000000	0.00
BYA4	0.000000	0.00
BYA5	0.000000	0.00
BYA7	0.000000	0.00
BYA8	0.000000	0.00
BYA9	0.000000	0.00
BYX1	0.000023	7.67
BYX2	0.000000	0.00
BYX3	0.000000	0.00
BYX7	0.000000	0.00
BYX8	0.000000	0.00
CDL1	0.000007	0.58
CDL2	0.000047	2.11
CDL3	0.000002	1.02
CDL4	0.000000	0.00
CDL5	0.000000	0.00
CDL6	0.000000	0.00
CDL7	0.000001	2.56
CDL9	0.000000	0.00
CHC1	0.000000	0.00
CHC2	0.000000	0.00
CHC3	0.000000	0.00
CHC4	0.000000	0.00

Part 1—*continued*

Fishstock	Monthly levy ($ per share, GST excl)	Equivalent expressed as $ per tonne (GST excl)
CHC5	0.000000	0.00
CHC6	0.000000	0.00
CHC7	0.000000	0.00
CHC8	0.000000	0.00
CHC9	0.000000	0.00
COC1A	0.000041	11.85
COC3	0.000000	0.00
COC7A	0.000000	0.00
COC7B	0.000000	0.00
CRA1	0.000090	68.67
CRA2	0.000330	139.78
CRA3	0.000200	61.16
CRA4	0.000358	62.05
CRA5	0.000329	94.00
CRA6	0.000295	81.94
CRA7	0.000035	39.33
CRA8	0.000568	100.00
CRA9	0.000037	78.71
DAN1	0.000000	0.00
DAN2	0.000001	11.11
DAN3	0.000000	0.00
DAN4	0.000000	0.00
DAN5	0.000000	0.00
DAN7	0.000001	13.33
DAN8	0.000001	6.06
DAN9	0.000001	6.06
DSU1	0.000000	0.00
DSU2	0.000000	0.00
DSU3	0.000000	0.00
DSU4	0.000000	0.00
DSU5	0.000000	0.00
DSU7	0.000000	0.00
DSU8	0.000000	0.00
DSU9	0.000000	0.00
ELE1	0.000000	0.00
ELE2	0.000001	4.63
ELE3	0.000000	0.00
ELE5	0.000000	0.00
ELE7	0.000000	0.00
EMA1	0.000087	1.14
EMA2	0.000001	0.56
EMA3	0.000002	0.51
EMA7	0.000052	1.55
FLA1	0.000044	3.71
FLA2	0.000000	0.00
FLA3	0.000000	0.00
FLA7	0.000000	0.00

Part 1—*continued*

Fishstock	Monthly levy ($ per share, GST excl)	Equivalent expressed as $ per tonne (GST excl)
FRO1	0.000000	0.00
FRO2	0.000000	0.00
FRO3	0.000000	0.00
FRO4	0.000000	0.00
FRO5	0.000000	0.00
FRO6	0.000000	0.00
FRO7	0.000000	0.00
FRO8	0.000000	0.00
FRO9	0.000000	0.00
GAR1	0.000002	8.00
GAR2	0.000001	20.00
GAR3	0.000001	20.00
GAR4	0.000000	0.00
GAR7	0.000000	0.00
GAR8	0.000001	20.00
GMU1	0.000000	0.00
GMU2	0.000000	0.00
GMU3	0.000000	0.00
GMU7	0.000000	0.00
GSC1	0.000000	0.00
GSC3	0.000001	14.29
GSC5	0.000001	10.53
GSC6A	0.000006	8.11
GSC6B	0.000010	8.44
GSH1	0.000000	0.00
GSH2	0.000000	0.00
GSH3	0.000000	0.00
GSH4	0.000003	0.81
GSH5	0.000000	0.00
GSH6	0.000000	0.00
GSH7	0.000000	0.00
GSH8	0.000000	0.00
GSH9	0.000000	0.00
GSP1	0.000008	1.57
GSP5	0.000002	1.69
GSP7	0.000002	1.14
GUR1	0.000000	0.00
GUR2	0.000004	0.55
GUR3	0.000000	0.00
GUR7	0.000000	0.00
GUR8	0.000000	0.00
HAK1	0.000000	0.00
HAK4	0.000636	18.17
HAK7	0.000005	0.07
HOK1	0.004360	2.42
HPB1	0.000008	1.66
HPB2	0.000000	0.00

Part 1—*continued*

Fishstock	Monthly levy ($ per share, GST excl)	Equivalent expressed as $ per tonne (GST excl)
HPB3	0.000000	0.00
HPB4	0.000008	2.48
HPB5	0.000012	2.66
HPB7	0.000000	0.00
HPB8	0.000000	0.00
HOR1	0.000000	0.00
HOR2	0.000000	0.00
HOR3	0.000000	0.00
HOR4	0.000000	0.00
HOR5	0.000000	0.00
HOR6	0.000000	0.00
HOR7	0.000000	0.00
HOR8	0.000000	0.00
HOR9	0.000000	0.00
JDO1	0.000088	12.50
JDO2	0.000000	0.00
JDO3	0.000000	0.00
JDO7	0.000000	0.00
JMA1	0.000000	0.00
JMA3	0.000000	0.00
JMA7	0.000000	0.00
KIC1	0.000000	0.00
KIC2	0.000000	0.00
KIC3	0.000000	0.00
KIC4	0.000000	0.00
KIC5	0.000000	0.00
KIC6	0.000000	0.00
KIC7	0.000000	0.00
KIC8	0.000000	0.00
KIC9	0.000000	0.00
KIN1	0.000036	39.56
KIN2	0.000016	25.40
KIN3	0.000000	0.00
KIN4	0.000000	0.00
KIN7	0.000001	14.29
KIN8	0.000005	13.89
LEA1	0.000000	0.00
LEA2	0.000000	0.00
LEA3	0.000000	0.00
LEA4	0.000000	0.00
LFE17	0.000000	0.00
LIN1	0.000013	3.25
LIN2	0.000027	2.75
LIN3	0.000062	3.01
LIN4	0.000000	0.00
LIN5	0.000000	0.00
LIN6	0.000000	0.00

Part 1—*continued*

Fishstock	Monthly levy ($ per share, GST excl)	Equivalent expressed as $ per tonne (GST excl)
LIN7	0.000094	4.22
MDI1	0.000000	0.00
MDI2	0.000000	0.00
MDI3	0.000000	0.00
MDI4	0.000000	0.00
MDI5	0.000000	0.00
MDI7	0.000001	7.69
MDI8	0.000001	7.41
MDI9	0.000001	7.41
MMI1	0.000000	0.00
MMI2	0.000000	0.00
MMI3	0.000000	0.00
MMI4	0.000000	0.00
MMI5	0.000000	0.00
MMI7	0.000001	3.28
MMI8	0.000000	0.00
MMI9	0.000000	0.00
MOK1	0.000000	0.00
MOK3	0.000000	0.00
MOK4	0.000000	0.00
MOK5	0.000000	0.00
OEO1	0.000000	0.00
OEO3A	0.000000	0.00
OEO4	0.000000	0.00
OEO6	0.000000	0.00
ORH1	0.000043	3.07
ORH2A	0.000000	0.00
ORH2B	0.000000	0.00
ORH3A	0.000000	0.00
ORH3B	0.000000	0.00
ORH7A	0.000000	0.00
ORH7B	0.000000	0.00
OYS7	0.000000	0.00
OYU5	0.000040	2.62
PAD1	0.000028	12.73
PAD2	0.000005	4.55
PAD3	0.000004	4.00
PAD4	0.000003	12.00
PAD5	0.000004	8.00
PAD6	0.000000	0.00
PAD7	0.000007	7.00
PAD8	0.000005	8.33
PAD9	0.000007	7.00
PAU1	0.000000	0.00
PAU2	0.000035	28.88
PAU3	0.000046	50.21
PAU4	0.000273	83.60

Part 1—*continued*

Fishstock	Monthly levy ($ per share, GST excl)	Equivalent expressed as $ per tonne (GST excl)
PAU5A	0.000067	44.97
PAU5B	0.000000	0.00
PAU5D	0.000000	0.00
PAU6	0.000002	200.00
PAU7	0.000128	68.36
PDO1	0.000000	0.00
PDO2	0.000000	0.00
PDO3	0.000001	1.85
PDO4	0.000000	0.00
PDO5	0.000000	0.00
PDO7	0.000000	0.00
PDO8	0.000000	0.00
PDO9	0.000000	0.00
PHC1	0.000036	89.33
PIL1	0.000150	7.50
PIL2	0.000005	2.50
PIL3	0.000001	1.67
PIL4	0.000000	0.00
PIL7	0.000000	0.00
PIL8	0.000000	0.00
QSC3	0.000000	0.00
RBY1	0.000003	1.00
RBY2	0.000030	6.93
RBY3	0.000000	0.00
RBY4	0.000000	0.00
RBY7	0.000000	0.00
RBY8	0.000000	0.00
RBY9	0.000000	0.00
RCO1	0.000000	0.00
RCO2	0.000000	0.00
RCO3	0.000000	0.00
RCO7	0.000000	0.00
RIB1	0.000000	0.00
RIB2	0.000000	0.00
RIB3	0.000000	0.00
RIB4	0.000000	0.00
RIB5	0.000000	0.00
RIB6	0.000000	0.00
RIB7	0.000000	0.00
RIB8	0.000000	0.00
RIB9	0.000000	0.00
RSK1	0.000000	0.00
RSK3	0.000000	0.00
RSK7	0.000002	1.00
RSK8	0.000000	0.00
SAE1	0.000000	0.00
SAE2	0.000000	0.00

Part 1—*continued*

Fishstock	Monthly levy ($ per share, GST excl)	Equivalent expressed as $ per tonne (GST excl)
SAE3	0.000003	2.27
SAE4	0.000000	0.00
SAE5	0.000000	0.00
SAE7	0.000001	1.79
SAE8	0.000000	0.00
SAE9	0.000000	0.00
SBW1	0.000000	0.00
SBW6A	0.000010	0.61
SBW6B	0.000000	0.00
SBW6I	0.000000	0.00
SBW6R	0.000013	0.24
SCA4	0.000011	47.83
SCA1	0.000000	0.00
SCA7	0.000083	11.11
SCACS	0.000000	0.00
SCC1A	0.000000	0.00
SCC1B	0.000000	0.00
SCC2A	0.000000	0.00
SCC2B	0.000000	0.00
SCC3	0.000000	0.00
SCC4	0.000000	0.00
SCC5A	0.000000	0.00
SCC5B	0.000000	0.00
SCC6	0.000000	0.00
SCC7A	0.000000	0.00
SCC7B	0.000000	0.00
SCC7D	0.000000	0.00
SCC8	0.000000	0.00
SCC9	0.000000	0.00
SCH1	0.000006	0.90
SCH2	0.000000	0.00
SCH3	0.000000	0.00
SCH4	0.000001	0.42
SCH5	0.000000	0.00
SCH7	0.000000	0.00
SCH8	0.000000	0.00
SFE17	0.000004	40.00
SKI1	0.000000	0.00
SKI2	0.000032	13.33
SKI3	0.000000	0.00
SKI7	0.000000	0.00
SNA1	0.000000	0.00
SNA2	0.000005	1.59
SNA3	0.000000	0.00
SNA7	0.000014	7.00
SNA8	0.000083	5.53
SPE1	0.000000	0.00

Part 1—*continued*

Fishstock	Monthly levy ($ per share, GST excl)	Equivalent expressed as $ per tonne (GST excl)
SPE2	0.000000	0.00
SPE3	0.000000	0.00
SPE4	0.000000	0.00
SPE5	0.000000	0.00
SPE6	0.000000	0.00
SPE7	0.000000	0.00
SPE8	0.000000	0.00
SPE9	0.000000	0.00
SPO1	0.000000	0.00
SPO2	0.000000	0.00
SPO3	0.000000	0.00
SPO7	0.000000	0.00
SPO8	0.000000	0.00
SPR1	0.000001	1.43
SPR3	0.000000	0.00
SPR4	0.000000	0.00
SPR7	0.000001	1.18
SQU1J	0.000427	0.85
SQU1T	0.000368	0.82
SQU6T	0.000000	0.00
SSK1	0.000001	2.70
SSK3	0.000000	0.00
SSK7	0.000000	0.00
SSK8	0.000000	0.00
STA1	0.000000	0.00
STA2	0.000000	0.00
STA3	0.000000	0.00
STA4	0.000000	0.00
STA5	0.000000	0.00
STA7	0.000000	0.00
STA8	0.000000	0.00
SUR1A	0.000001	2.50
SUR1B	0.000003	2.14
SUR2A	0.000002	2.50
SUR2B	0.000001	3.33
SUR3	0.000000	0.00
SUR4	0.000000	0.00
SUR5	0.000000	0.00
SUR7A	0.000000	0.00
SUR7B	0.000000	0.00
SUR8	0.000000	0.00
SUR9	0.000000	0.00
SWA1	0.000025	0.83
SWA3	0.000000	0.00
SWA4	0.000014	0.34
TAR1	0.000000	0.00
TAR2	0.000000	0.00

Part 1—*continued*

Fishstock	Monthly levy ($ per share, GST excl)	Equivalent expressed as $ per tonne (GST excl)
TAR3	0.000000	0.00
TAR4	0.000001	0.32
TAR5	0.000000	0.00
TAR7	0.000004	0.37
TAR8	0.000000	0.00
TRE1	0.000000	0.00
TRE2	0.000000	0.00
TRE3	0.000000	0.00
TRE7	0.000000	0.00
TRU1	0.000000	0.00
TRU2	0.000002	10.00
TRU3	0.000001	3.03
TRU4	0.000002	3.39
TRU5	0.000002	9.09
TRU7	0.000001	16.67
TRU8	0.000000	0.00
WAR1	0.000000	0.00
WAR2	0.000000	0.00
WAR3	0.000000	0.00
WAR7	0.000000	0.00
WAR8	0.000000	0.00
WWA1	0.000000	0.00
WWA2	0.000004	5.48
WWA3	0.000000	0.00
WWA4	0.000011	5.00
WWA5	0.000112	5.27
WWA6	0.000043	8.78
WWA7	0.000003	5.00
WWA8	0.000000	0.00
YEM1	0.000002	10.00
YEM2	0.000000	0.00
YEM3	0.000000	0.00
YEM7	0.000000	0.00
YEM8	0.000000	0.00
YEM9	0.000002	6.67

Monthly levy on Foveaux Strait oysters (OYU5) is $0.000266 per oyster

Part 2
Levies on non-ITQ species for fisheries services

Fishstock	Annual levy ($ per tonne) (GST excl)
KAH	34.96
LDO	2.55
LFE	402.28
OCT	45.14
PPI	6.91

Part 2—*continued*

Fishstock	Annual levy ($ per tonne) (GST excl)
RBM	14.61
RSN	60.16
SCI1	2,111.54
SCI2	2,454.51
SCI4	827.72
SCI5	1,346.61
SCI6A	1,018.29
SCI6B	1,006.59
SCI7	1,005.98
SCI8	903.60
SCI9	1,000.22
SFE	402.28
STN	1,177.31
TUA	83.36
PTO	57.48

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	35.17
Marine farming permit, marine farm lease, or marine farm licence	
(a) per permit, lease or licence	35.17
(b) per hectare or part hectare of area covered by permit, lease or licence	2.00

Diane Morcom,
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 April 2004, sets levies in respect of the fishing year commencing on 1 October 2003 to 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.

Despite the order not coming into force until 1 April 2004, the levies apply to the whole fishing year commencing on 1 October 2003, as authorised by section 10(2) of the Fisheries Amendment Act 2004.

The levies take into account, and are reduced or increased by, the relevant settlement sums provided for in the new section 265A and Schedule 9A of the Fisheries Act 1996 that were enacted by the Fisheries Amendment Act 2004.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 25 March 2004.
This order is administered in the Ministry of Fisheries.