Fisheries (Cost Recovery) Amendment Rules 2023

Cindy Kiro, Governor-General

Order in Council

At Wellington this 22nd day of May 2023

Present:
Her Excellency the Governor-General in Council

These rules are made under section 263 of the Fisheries Act 1996—

(a) on the advice and with the consent of the Executive Council; and

(b) on the recommendation of the Minister for Oceans and Fisheries made after complying with subsection (4) of that section.

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Rules

1 Title

These rules are the Fisheries (Cost Recovery) Amendment Rules 2023.

2 Commencement

These rules come into force on 22 June 2023.

3 Principal rules

These rules amend the Fisheries (Cost Recovery) Rules 2001.

4 Rule 3 amended (Interpretation)

In rule 3(1), insert in its appropriate alphabetical order:

monitored vessel means a vessel to which the definition of monitored fishing in the Fisheries (Electronic Monitoring on Vessels) Regulations 2017 applies (*see* regulation 3A and clause 1 of Schedule 1 of those regulations)

5 New rule 3A inserted (Transitional, savings, and related provisions)

After rule 3, insert:

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

6 Rule 5 amended (Proportion of costs to be recovered from industry)

In rule 5, replace “the Schedule” with “Schedule 2”.

7 Rule 6 amended (Who must pay levies, and basis for levy)

In rule 6(1), replace “the Schedule” with “Schedule 2”.

8 Rule 7 amended (Allocation of costs between stocks for certain industry-wide services)

In rule 7(1) and (3), replace “the Schedule” with “Schedule 2” in each place.

9 Rule 8 amended (Allocation of costs between stocks for observer coverage services)

In rule 8, replace "the Schedule" with "Schedule 2".

10 Rule 9 amended (Allocation of costs for stock assessment research)

In rule 9(1) and (3), replace "the Schedule" with "Schedule 2".

11 Rule 10 amended (Allocation of costs for aquaculture services)

In rule 10, replace "the Schedule" with "Schedule 2".

12 New Schedule 1 inserted

Insert the Schedule 1 set out in the Schedule of these rules as the first schedule to appear after the last rule of the principal rules.

13 Schedule renumbered and amended

(1) In the Schedule heading, replace "**Schedule**" with "**Schedule 2**".

(2) In the Schedule, item 1, first column, after "activities", insert "(except services related in any way to electronic monitoring equipment on monitored vessels)".

Schedule
New Schedule 1 inserted

r 12

Schedule 1
Transitional, savings, and related provisions

r 3A

Part 1
Provisions relating to cost recovery for certain services in 2023/2024 and 2024/2025 fishing years

1 Interpretation

In this Part,—

fishing year means each of the following:

(a) the 2023/2024 fishing year:

(b) the 2024/2025 fishing year

hardware services means installing and maintaining on-board cameras and other equipment on monitored vessels

monitored area means an area—

(a) described in the third column of clause 1(1) of the table in Schedule 1 of the Fisheries (Electronic Monitoring on Vessels) Regulations 2017; and

(b) in relation to which the requirements of those regulations apply, or have started to apply, in a fishing year (*see* the first column of that table).

2 Allocation of costs for 2023/2024 and 2024/2025 fishing years

(1) The proportion of costs to be recovered from the commercial fishing industry for hardware services for each fishing year is 100%.

(2) The costs are to be recovered—

(a) from quota owners; and

(b) in relation to stocks taken—

(i) using monitored vessels; and

(ii) in a monitored area; and

(c) on a stock-specific basis.

(3) The percentage of costs to be recovered in relation to each stock is to be determined in accordance with the following formula:

$$a \div b$$

where—

a is the value of the particular stock, derived by multiplying the total estimated catch for the stock taken using monitored vessels by the port price for that stock

b is the total value of all stocks taken using monitored vessels, derived by—

(a) multiplying the total estimated catch for each stock taken using monitored vessels by its relevant port price; and

(b) adding all the results.

(4) However, if the chief executive identifies particular stocks as risk exacerbators in all or any fishery area,—

(a) the costs of hardware services in those areas are not to be recovered from other stocks; and

(b) the costs to be recovered in those areas from the identified stocks are to be determined in accordance with the formula in subclause (3) as if item b related only to the total value of those stocks identified as exacerbators.

(5) For the purposes of this clause, the chief executive may only identify a stock as a risk exacerbator if the stock contributes to 2% or more of the value of the total catch for all stocks taken using monitored vessels in that fishery area.

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 22 June 2023, amend the Fisheries (Cost Recovery) Rules 2001 (the **principal rules**). The rules insert transitional provisions into the principal rules to provide a cost recovery mechanism in relation to vessels to which the Fisheries (Electronic Monitoring on Vessels) Regulations 2017 apply. The transitional arrangements are for the 2023/2024 and 2024/2025 fishing years and are set out in *new Schedule 1*. Under this regime, 100% of the costs of installing and maintaining on-board cameras and other equipment will be recovered from quota owners on a stock-specific basis according to the formula set out in *clause 2* of the new schedule.

Rule 13(2) removes any service relating to electronic monitoring equipment from the general monitoring and offence detection category of commercial fishing activities in item 1 of the Schedule of the principal rules. The remaining amendments are consequential, and mostly to account for the Schedule being renumbered as Schedule 2.

Regulatory impact statement

The Ministry for Primary Industries produced a regulatory impact statement on 23 March 2022 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- https://www.mpi.govt.nz/dmsdocument/51484–Regulatory-Impact-Statement-Wider-Rollout-of-On-board-Cameras/sitemap
- https://treasury.govt.nz/publications/informationreleases/ris

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