Fisheries (Cost Recovery) Amendment Rules 2007

Preamble

At Wellington this 13th day of August 2007

Pursuant to section 263 of the Fisheries Act 1996, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following rules.

Contents

		Page
1	Title	1
2	Commencement	1
3	Principal rules amended	1
4	Interpretation	2
5	Allocation of costs between stocks for certain industry wide services	2
6	Schedule amended	2

---

1 Title

These rules are the Fisheries (Cost Recovery) Amendment Rules 2007.

2 Commencement

These rules come into force on the 28th day after the date of their notification in the *Gazette*.

3 Principal rules amended

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

4 Interpretation

Rule 3 is amended by inserting the following definitions in their appropriate alphabetical order:

"**bottom trawling** means trawling or dredging for aquatic life using a trawl net or dredge that is designed to come into contact with, and be dragged along, the seabed

"**deepwater benthic research** means research, in the exclusive economic zone, relating to—

"(a) avoiding, remedying, or mitigating the adverse effects of bottom trawling on the benthic environment and its biological diversity; or

"(b) the benthic environment and its biological diversity when there is a general public interest in that research".

5 Allocation of costs between stocks for certain industry wide services

Rule 7(3) is amended by omitting "and 4" and substituting "4, and 4A".

6 Schedule amended

(1) The first column of item 4 of the Schedule is amended by inserting ", other than deepwater benthic research" after "including research".

(2) The Schedule is amended by inserting the following item after item 4:

4A	Deepwater benthic research	33.33%	As in rule 7(2) or (3)

(3) For the avoidance of doubt, the percentage of costs to be borne by industry in relation to benthic research in the territorial sea continues to be determined in accordance with item 4 of the Schedule.

Diane Morcom,

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 the 28th day after the date of their notification in the *Gazette*, amend the Fisheries (Cost Recovery) Rules 2001 by—

- inserting definitions of bottom trawling and deepwater benthic research (clause *4*):
- inserting a reference to new item 4A of the Schedule in rule 7(3) (clause *5*):
- excluding deepwater benthic research from item 4 of the Schedule (clause *6(1)*):
- inserting a new item 4A in the Schedule (clause *6(2)*).

Item 4 of the Schedule continues to apply to costs relating to benthic research in the territorial sea (clause *6(3)*).

The amendments are a result of the Accord Relating to the Benthic Protection Areas within New Zealand's Exclusive Economic Zone 2007.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 16 August 2007.