Version
as at 10 July 2026

Commodity Levies (Rock Lobster) Order 2023

(SL 2023/138)

Cindy Kiro, Governor-General

Order in Council

At Wellington this 12th day of June 2023

Present:
Her Excellency the Governor-General in Council

This order is made under section 4 of the Commodity Levies Act 1990 (as applied by section 305 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 given in accordance with sections 5 and 6 of the Commodity Levies Act 1990 (as modified by section 305 of the Fisheries Act 1996).

Contents

		Page
1	Title	3
2	Commencement	3
3	Interpretation	3

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This order is administered by the Ministry for Primary Industries.

Levy imposed

4 Levy imposed 3

Payment of levy

5 Quota owners primarily responsible for paying levy 4
6 When levy payable 4
7 Combined levy payments 4
8 Penalty for late payment 4

Rate of levy

9 Levy calculation 4
10 Levy may be set at different rates 5
11 Maximum levy rate 5
12 Setting levy rate 5
13 Notification of levy rate 5

Expenditure of levy money

14 Levy money to be spent by NZ RLIC 5
15 Purposes for which levy money may be spent 5

Record-keeping requirements and confidentiality of information

16 Records 6
17 Confidentiality of information 6
18 Returns 7

Miscellaneous

19 Conscientious objectors 7
20 Remuneration of persons conducting compliance audit 7

Mediation of disputes

21 Appointment of mediators 7
22 Remuneration of mediators 7
23 Conferences under control of mediator 8
24 Conference to be held in private 8
25 Representatives 8
26 Right to be heard 8
27 Evidence 8
28 Mediator may resolve dispute in certain cases 9
29 Cost of mediation 9
30 Appeal to District Court 9

Revocation

31 Revocation 9

Order

1 Title

This order is the Commodity Levies (Rock Lobster) Order 2023.

2 Commencement

This order comes into force on 1 October 2023.

Order: confirmed, on 23 December 2023, by section 8(c) of the Secondary Legislation Confirmation Act 2023 (2023 No 67).

3 Interpretation

In this order, unless the context otherwise requires,—

Act means the Commodity Levies Act 1990

GST means goods and services tax payable under the Goods and Services Tax Act 1985

levy means the levy imposed by clause 4

levy money means money paid or payable under this order as a levy

levy year means a 1-year period starting on 1 October and ending on 30 September

mediator means—

(a) a person appointed under clause 21; and

(b) for a particular dispute, a mediator appointed to resolve the dispute

NZ RLIC means NZ Rock Lobster Industry Council Limited

quota owner means a person registered on a Quota Register under the Fisheries Act 1996 as the owner of quota shares in a stock of rock lobster

quota share has the meaning given to it by section 42 of the Fisheries Act 1996

quota weight equivalent has the meaning given to it by section 2(1) of the Fisheries Act 1996

rock lobster means—

(a) spiny rock lobster of the species *Jasus edwardsii*; or

(b) packhorse rock lobster of the species *Sagmariasus verreauxi*

stock has the meaning given to it by section 2(1) of the Fisheries Act 1996.

Clause 3 **rock lobster** paragraph (b): amended, on 10 July 2026, by section 137 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Levy imposed

4 Levy imposed

(1) A levy is imposed on wild-caught rock lobster.

(2) The levy is payable to NZ RLIC.

(3) No levy is payable by the Crown.

Payment of levy

5 Quota owners primarily responsible for paying levy

The person who is the quota owner of quota shares in a stock of rock lobster at the close of the first day of a month is primarily responsible for paying the levy on the rock lobster for that month.

6 When levy payable

(1) The levy must be paid monthly.

(2) The due date for payment of the levy for a month is the first day of that month.

(3) The latest date for payment of the levy is the 20th day of that month.

7 Combined levy payments

(1) Despite clause 6, if an amount of levy payable for any month is less than $50 (excluding GST), that levy payment may be made with levy payments for 1 or more subsequent months of a relevant quarter (**combined levy payment**).

(2) The latest date for payment of a combined levy payment is,—

(a) if the combined levy payment comprises payments for the first and second months of a relevant quarter and is $50 or more (excluding GST), the 20th day of the second month of the relevant quarter:

(b) in every other case, the 20th day of the third month of the relevant quarter.

(3) In this clause, **relevant quarter** means (as applicable) the following periods:

(a) 1 January to 31 March:

(b) 1 April to 30 June:

(c) 1 July to 30 September:

(d) 1 October to 31 December.

8 Penalty for late payment

If any amount of levy has not been paid by the close of the latest date for payment, NZ RLIC may require the quota owner to pay to NZ RLIC up to 10% of the amount of the unpaid levy in addition to the amount otherwise payable.

Rate of levy

9 Levy calculation

(1) The levy payable in a levy year is to be calculated on the basis of the quota weight equivalent of a quota owner's quota shares in a stock of rock lobster.

(2) If a levy year is shorter than a 1-year period, the levy payable in the levy year is to be pro-rated in proportion to the length of the levy year.

10 Levy may be set at different rates

The levy may be set at different rates for different stocks of rock lobster.

11 Maximum levy rate

The maximum levy rate is $2,000 (excluding GST) per tonne of quota weight equivalent.

12 Setting levy rate

(1) NZ RLIC must set the levy rate before the start of each levy year—

(a) after completing the consultation process described in NZ RLIC's constitution; and

(b) in accordance with the procedure for setting the levy rate described in NZ RLIC's constitution.

(2) If NZ RLIC does not set the levy rate before the start of a levy year, the levy rate for that year is the rate most recently set under this clause or under clause 12 of the Commodity Levies (Rock Lobster) Order 2013.

13 Notification of levy rate

As soon as practicable after setting a levy rate for a levy year, but before the start of the levy year, NZ RLIC must notify the levy rate,—

(a) in writing, directly to each quota owner; and

(b) in the *Gazette*.

Expenditure of levy money

14 Levy money to be spent by NZ RLIC

NZ RLIC must—

(a) spend all the levy money paid to it; and

(b) invest all levy money until it is spent.

15 Purposes for which levy money may be spent

(1) NZ RLIC may spend levy money for all or any of the following purposes relating to rock lobster:

(a) research and development, including obtaining scientific and technical services:

(b) management of rock lobster fisheries:

(c) policy issues affecting the rock lobster industry:

(d) promotion of the rock lobster industry:

(e) education and training:

(f) day-to-day administration of NZ RLIC.

(2) NZ RLIC must not spend levy money on commercial or trading activities.

Record-keeping requirements and confidentiality of information

16 Records

(1) NZ RLIC must keep records of the following for each levy year:

(a) each amount of levy money paid to it; and

(b) the date on which each amount of levy money was received; and

(c) the person who paid each amount of levy money; and

(d) how (if at all) levy money was invested; and

(e) how and when levy money was spent.

(2) The records required by this clause must be kept for at least 7 years after the levy year to which the records relate.

17 Confidentiality of information

(1) No officer or employee of NZ RLIC may disclose (except to an officer or employee of NZ RLIC) any information obtained—

(a) under or because of this order; or

(b) under the Act in relation to this order.

(2) Subclause (1) does not affect or prevent—

(a) the production of records or accounts under section 17(1) of the Act:

(b) the production of any statement under section 25 of the Act:

(c) the giving of evidence in any legal proceedings taken in relation to this order under, or in relation to, the Act.

(3) Subclause (1) does not prevent NZ RLIC from disclosing or using any information—

(a) to determine the voting entitlements, and to count the votes, of quota owners:

(b) for statistical or research purposes, if the information is in a form that does not identify any individual:

(c) for the purposes of invoicing or collecting the levy:

(d) with the consent of every identifiable person to whom it relates:

(e) as required by law.

18 Returns

(1) NZ RLIC may request, in writing, from each quota owner any information that NZ RLIC reasonably requires for the purpose of determining the amount of levy payable by the quota owner.

(2) Each quota owner must, as soon as is reasonably practicable after receiving a request from NZ RLIC, supply NZ RLIC with a written return of the information requested.

Miscellaneous

19 Conscientious objectors

(1) A quota owner who objects on conscientious or religious grounds to the manner of recovery of levy money by NZ RLIC may pay the amount concerned to the Director-General of the Ministry for Primary Industries.

(2) The Director-General must pay the amount to NZ RLIC.

20 Remuneration of persons conducting compliance audit

A person appointed as an auditor under section 15 of the Act must be remunerated by NZ RLIC at a rate determined by the Minister for Oceans and Fisheries after consultation with NZ RLIC.

Mediation of disputes

21 Appointment of mediators

(1) This clause applies to a dispute concerning—

(a) whether or not any person is required to pay the levy; or

(b) the amount of levy payable.

(2) A party to the dispute may ask the President of the Arbitrators and Mediators Institute of New Zealand Incorporated to appoint a person to resolve the dispute by mediation.

(3) If asked under subclause (2), the President, or a person authorised by the President, may appoint a person to resolve the dispute by mediation.

(4) The mediator's appointment ends if—

(a) the parties to the dispute resolve it by agreement; or

(b) the mediator resolves the dispute under clause 28.

22 Remuneration of mediators

(1) A mediator is to be paid remuneration (by way of fees and allowances) as agreed by the parties to the dispute.

(2) If the parties to a dispute cannot agree on a mediator's remuneration, the President of the Arbitrators and Mediators Institute of New Zealand Incorporated, or a person authorised by the President, must—

(a) fix an amount or several amounts to be paid to the mediator as remuneration; and

(b) specify the amount (if any) that each party must pay.

(3) Each party must pay to the mediator the amount or amounts fixed and specified under subclause (2).

23 Conferences under control of mediator

A mediator must—

(a) organise the date, time, and place for each conference to be held by the mediator; and

(b) notify the parties of the matters specified in paragraph (a) by post or email; and

(c) preside at the conference.

24 Conference to be held in private

Subject to clause 25, only the parties to a dispute and the mediator may attend a conference organised by the mediator.

25 Representatives

A mediator may allow a representative of a party to a dispute to attend a conference with the mediator if the mediator is satisfied that it is appropriate to do so in all the circumstances.

26 Right to be heard

The following persons may be heard at a conference with a mediator:

(a) each party to the dispute; and

(b) each representative of a party allowed by the mediator to attend the conference.

27 Evidence

(1) A mediator may hear and take into account any relevant evidence or information, whether or not it would normally be admissible in a court of law.

(2) A mediator may, on the mediator's own initiative,—

(a) seek and receive any evidence that the mediator thinks desirable to resolve the dispute; and

(b) make any investigations and inquiries that the mediator thinks desirable to resolve the dispute.

(3) A mediator may require any person giving evidence at a conference of the parties to a dispute to verify the evidence by statutory declaration.

28 Mediator may resolve dispute in certain cases

(1) A mediator may resolve a dispute for the parties if—

(a) the mediator has organised and presided at a conference of the parties, but the dispute has not been resolved; or

(b) the mediator believes that the parties are unlikely to resolve the dispute, whether or not they confer directly.

(2) A mediator who resolves a dispute under subclause (1) must give each of the parties written notice of the mediator's decision and the reasons for that decision.

(3) The parties must comply with the mediator's decision.

29 Cost of mediation

Each party must pay its own costs in relation to the mediation.

30 Appeal to District Court

(1) A party to a dispute who is dissatisfied with the mediator's decision under clause 28 may appeal to the District Court against the decision.

(2) The appeal must be brought by the filing of a notice of appeal—

(a) within 28 days of the making of the decision concerned; or

(b) within any longer time a District Court Judge allows.

(3) The Registrar of the court must—

(a) fix the time and place for the hearing of the appeal; and

(b) notify the appellant and the other parties to the dispute; and

(c) serve a copy of the notice of appeal on every other party to the dispute.

(4) Every party to the dispute may appear and be heard at the hearing of the appeal.

(5) The District Court may confirm, vary, or reverse the mediator's decision.

(6) The filing of a notice of appeal does not operate as a stay of any process for the enforcement of the mediator's decision.

Revocation

31 Revocation

The Commodity Levies (Rock Lobster) Order 2013 (SR 2013/27) is revoked.

Rachel Hayward,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 15 June 2023.

Notes

1 General

This is a consolidation of the Commodity Levies (Rock Lobster) Order 2023 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41): section 137

Secondary Legislation Confirmation Act 2023 (2023 No 67): section 8(c)

Wellington, New Zealand:
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