



# **Exclusive Economic Zone and Continental Shelf (Fees and Charges) Regulations 2013**

Jerry Mateparae, Governor-General

## **Order in Council**

At Wellington this 24th day of June 2013

Present:

His Excellency the Governor-General in Council

Pursuant to sections 30(1) and 146 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, His Excellency the Governor-General makes the following regulations, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for the Environment given after the requirements of section 32 of that Act have been met.

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## **Regulations**

### **1 Title**

These regulations are the Exclusive Economic Zone and Continental Shelf (Fees and Charges) Regulations 2013.

### **2 Commencement**

These regulations come into force on 28 June 2013.

### **3 Interpretation**

In these regulations, unless the context otherwise requires,—

**Act** means the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

**EPA** means the Environmental Protection Authority.

### **4 Recovery of costs by Environmental Protection Authority**

(1) For the purpose of recovering the costs incurred in performing its functions and providing services under the Act, the EPA must charge—

- (a) the following charge-out rates for EPA staff:
  - (i) for a principal technical advisor, \$290 per hour:
  - (ii) for a project leader, \$140.80 per hour:
  - (iii) for a senior advisor, \$116.12 per hour:
  - (iv) for an advisor, \$103.75 per hour:
  - (v) for an administrator, \$97.43 per hour; and
- (b) actual and reasonable costs for any other expenses that the EPA reasonably incurs.

(2) The rates prescribed in subclause (1)(a) are exclusive of any good and services tax payable.

### **5 Exceptions**

(1) The EPA must charge at only 80% of the rates in clause 4(1)(a) for its monitoring functions and services.

- (2) The EPA must not charge for any function or service to the extent that the function or service has been specifically provided for by money appropriated by Parliament for the purpose.
- (3) This regulation overrides regulation 4.

#### **6 Persons liable to pay charges**

The person who must pay a charge is,—

- (a) for assistance with the preparation of an application for a marine consent, the person who requests the assistance:
- (b) for an application for a marine consent, the person who applies for the consent:
- (c) for an existing marine consent, the consent holder:
- (d) for a permitted activity, the person who undertakes or proposes to undertake the activity:
- (e) for an impact assessment provided under section 22, 161, or 166 of the Act, the person who undertakes the activity to which the assessment relates:
- (f) for a ruling under section 162(2) of the Act,—
  - (i) the person who requests the ruling; or
  - (ii) if the EPA makes the ruling of its own motion, the person who undertakes the activity to which the ruling relates.

#### **7 Due date for payment**

Every demand for a charge under these regulations must specify a due date for payment.

Rebecca Kitteridge,  
Clerk of the Executive Council.

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## **Explanatory note**

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

These regulations, which come into force on 28 June 2013, provide for the Environmental Protection Authority (the **EPA**) to recover the costs incurred in performing its functions and providing services under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

The regulations prescribe hourly rates for EPA staff, and actual and reasonable costs for any other expenses that the EPA reasonably incurs. The regulations provide for monitoring functions and services to be charged at 80% of normal costs and prescribe no charges in relation to functions and services for which Parliament has appropriated funds.

The regulations state, in general, that the person who undertakes or proposes to undertake a restricted activity is the person responsible for paying the costs.

However, in the case of a person (other than the person who undertakes the activity) who requests a ruling under section 162(2) as to whether the adverse effects of an existing petroleum mining activity are minor, that person is responsible for paying the costs of the ruling.

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These regulations are administered by the Ministry for the Environment.

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