



Fisheries New Zealand

Tini a Tangaroa

26 February 2020

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Cabinet paper: Fisheries (Schedule 5A) Order 2020

Purpose:

To provide you with a Cabinet paper seeking Cabinet Legislative Committee agreement to carry forward rock lobster annual catch entitlement into the next fishing year, in response to the impacts of the Coronavirus (COVID-19) on rock lobster exports to China.

Minister	Action Required:	Minister's Deadline
Minister of Fisheries	Note and agree the recommendations contained in the briefing.	To be lodged with Cabinet Office on 27 February 2020 . For consideration at Cabinet Legislation Committee meeting on 3 March 2020 .

Contact for telephone discussion (if required)

	Name	Position	Work	Mobile
Responsible Director	Emma Taylor	Director, Agriculture, Marine & Plant Policy	s 9(2)(a)	s 9(2)(a)
Responsible Manager	s 9(2)(a)	Manager, Fisheries & Aquaculture Policy Team	s 9(2)(a)	s 9(2)(a)
Principal Author	s 9(2)(a)	Senior Policy Analyst, Fisheries & Aquaculture Policy Team	s 9(2)(a)	-

Key Messages

1. Officials have previously provided you with advice on options to address the New Zealand Rock Lobster Industry Council's (NZ RLIC) request for government support, in relation to impacts of the Coronavirus (COVID-19) on rock lobster exports to China **[B20-0067, B20-0065 and B20-0091 refers]**.
2. Attached is a draft Cabinet paper for your consideration prior to submission to the Cabinet Legislation Committee.
3. The draft Cabinet paper seeks approval to temporarily remove all rock lobster stocks from Schedule 5A of the Fisheries Act 1996 (the Act), by way of Order in Council, to enable rock lobster annual catch entitlement (ACE) holders to carry forward up to 10% of total rock lobster ACE holdings for the fishing year, if uncaught, to the following fishing year. This proposal will only apply for the upcoming 2020/21 fishing year.
4. The approach proposed in the draft Cabinet paper is consistent with arrangements for most other species managed within the Quota Management System (QMS), where ACE holders are able to carry forward the lesser of the total uncaught ACE or 10% of a fishers total ACE holding at the end of a fishing year in accordance with section 67A of the Act.
5. As required by the Act, this proposed amendment does not apply to any rock lobster stock where the Total Allowable Commercial Catch (TACC) is reduced for the coming fishing year¹. Rock lobster stocks will continue to be closely monitored.
6. Consultation on the proposal was undertaken by Fisheries New Zealand with 369 submissions received from Māori, commercial, recreational, environmental and other stakeholder groups.
7. The proposed approach outlined in the draft Cabinet paper was supported by a majority of Māori (commercial and non-commercial interests) and some commercial entities. Most commercial interests supported 100% carry forward of ACE while most submissions from the general public and recreational interests supported maintaining the status quo **[AM20-0098 and B20-0091 refers]**.
8. This proposed approach provides the most appropriate balance between providing for utilisation while ensuring sustainability. Rock lobster fishers will have the same catch flexibility as most other fisheries for the coming year, and it will provide some financial relief to address current market disruptions.
9. Officials recommend that the draft Cabinet paper be considered by the Cabinet Legislation Committee on 3 March 2020. This would require lodging with the Cabinet Office on 27 February 2020.

¹ s 9(2)(f)(iv)

10. If agreed by the Cabinet Legislation Committee and the Executive Council, officials anticipate the changes to be made by Order in Council and gazetted shortly after Cabinet and be in force by 1 April 2020 for the start of the new fishing year.

Proactively Released

Recommendations

11. The Ministry for Primary Industries recommends that you:

- a) **Note** that officials have prepared a draft Cabinet paper seeking agreement from Cabinet Legislation Committee to make changes to Schedule 5A of the Fisheries Act 1996 by way of an Order in Council to allow for the temporary (one year) carry forward of up to 10% of rock lobster annual catch entitlement into the new fishing year.

Noted

- b) **Agree** to lodge the attached draft Cabinet paper with the Cabinet Office on 27 February 2020 for consideration at the Cabinet Legislative Committee meeting on 3 March 2020.

Agreed / Not Agreed

Emma Taylor
Director, Agriculture, Marine & Plant Policy
Policy and Trade

Hon Stuart Nash
Minister of Fisheries

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