



Cabinet Legislation Committee

Minute of Decision

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Fisheries (Schedule 5A – Rock Lobster) Order 2020

Portfolio Fisheries

On 3 March 2020, the Cabinet Legislation Committee, having been authorised by Cabinet to have Power to Act [CAB-20-MIN-0072]:

- 1 **noted** that the Fisheries (Schedule 5A – Rock Lobster) Order 2020 is an urgent response to the impacts of the Coronavirus (COVID-19) on New Zealand's rock lobster industry;
- 2 **noted** that on 25 February 2020, following advice from officials, the Minister of Fisheries recommended an Order in Council to temporarily remove all rock lobster stocks from Schedule 5A of the Fisheries Act 1996 for one year;
- 3 **noted** that the Fisheries (Schedule 5A – Rock Lobster) Order 2020 amends schedule 5A of the Fisheries Act for one fishing year (1 April 2020 to 31 March 2021), by removing all rock lobster stocks to enable the carry forward of up to 10 per cent of uncaught rock lobster annual catch entitlement in response to Coronavirus (COVID-19) impacts on the Chinese market;
- 4 **noted** that carry forward provisions do not apply to any rock lobster stock where the Total Allowable Commercial Catch is reduced for the coming fishing year;
- 5 **noted** that:
 - 5.1 section 67B(3) of the Fisheries Act requires that before recommending the making of an Order in Council, the Minister must consult with such persons or organisations as the Minister considers are representative of those classes of persons having an interest in the stocks subject to the order;
 - 5.2 the Minister of Fisheries is satisfied that the statutory prerequisites for making an amendment to Schedule 5A of the Fisheries Act have been met;
- 6 **noted** that a waiver of the 28-day Rule is sought on the grounds that:
 - 6.1 the amendment is being made in response to extraordinary circumstances brought about by the Coronavirus (COVID-19) outbreak;
 - 6.2 there is a pressing need to provide clarity to affected fishers;
 - 6.3 there is minimal impact on the general public and it is more likely to affect the commercial rock lobster fishing sector;

- 6.4 in order for the amendment to Schedule 5A to be effective it needs to come into force on 1 April in time for the start of the next fishing year;
- 7 **agreed** to a waiver the 28-day Rule so that the Order can come into force on 1 April 2020;
- 8 **authorised** the submission to the Executive Council of the Fisheries (Schedule 5A – Rock Lobster) Order 2020 [PCO 22765/2.0];
- 9 **noted** that the Minister of Fisheries will proactively release the Regulatory Impact Assessment attached to the submission under LEG-20-SUB-0030 before the Order is notified in the New Zealand Gazette.

Gerrard Carter
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon Stuart Nash
Hon Tracey Martin
Hon Julie Anne Genter
Hon Eugenie Sage
Michael Wood MP (Senior Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

Hard-copy distribution:

Minister of Fisheries