

In Confidence

Office of the Minister for Fisheries
Chair, Cabinet Legislation Committee

FISHERIES (AMATEUR FISHING) REGULATIONS 2013 – PAU 3 AND PAU 7 BAG AND ACCUMULATION LIMITS.

Proposal

1. This paper seeks authorisation for submission to the Executive Council of the Fisheries (Amateur Fishing) Regulations 2013 – PAU 3 and PAU 7 Bag and Accumulation Limits.

Policy

2. On 22 August 2019, the Cabinet Environment Energy and Climate Committee (ENV) agreed to the policy aspects of this proposal to set new bag and accumulation limits for pāua in PAU 3 and PAU 7 (ENV-19-MIN-0041).
3. The policy aims to mitigate sustainability concerns relating to pāua fisheries that have been significantly reduced by the 2016 Kaikōura earthquakes. Specifically, at the northern end of the PAU 3 (Canterbury) quota management area and the southern end of the PAU 7 (Marlborough) quota management area (see attached map).
4. To address the risk of depletion in PAU 3 and PAU 7, I propose the Fisheries (Amateur Fishing) Regulations 2013 be amended to:
 - a. decrease the daily recreational limit from 10 to five;
 - b. reduce the accumulation limit from 20 pāua or 2.5 kg of minced meat, to 10 pāua or 1.25 kg of minced meat.
5. The accumulation limit is the maximum amount of pāua any one person can have in their possession at any time, even if they have been fishing on multiple days.
6. If authorised, the intention is for these changes to take effect in December 2019, before the start of the recreational fishing summer season.
7. These amendments support fisheries management objectives that are consistent with the purpose of the Fisheries Act 1996 – to provide for the utilisation of fisheries while ensuring sustainability.

Timing and 28-day rule

8. The Order is anticipated to come into force on 12 December 2019, following 28 days after publication in the *Gazette*.

Compliance

9. The amendments to the Fisheries (Amateur Fishing) Regulations 2013 are consistent with:
 - 9.1. the principles of the Treaty of Waitangi;
 - 9.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 9.3. the principles and guidelines set out in the Privacy Act 1993;
 - 9.4. relevant international standards and obligations;
 - 9.5. the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

10. I consider that there are no grounds under Standing Order 319 for the proposed orders to be brought to the special attention of the House of Representatives.

Certification by Parliamentary Counsel

11. The Parliamentary Counsel Office has certified the attached amendment regulations as being in order for submission to Cabinet.

Impact Analysis

12. A Regulatory Impact Analysis was submitted when the policy decision was made by ENV on 22 August 2019 (ENV-19-0041). A Quality Assurance Panel with representatives from the Ministry for Primary Industries had reviewed the Regulatory Impact Assessment 'Review of Recreational Regulations in PAU 3 and PAU 7' and considered it meets the Quality Assurance criteria.

Publicity

13. The decision relating to both the PAU 3 and PAU 7 amendments will be publicly notified via *Gazette* notice.
14. I will write to stakeholders and submitters to inform them of the new rules and the reasons for my decision. My letter will be published on Fisheries New Zealand's website, and communicated via a dedicated email and letter to submitters and tangata whenua. The New Zealand Fishing Rules App will also be updated.
15. In order to notify recreational fishers locally of these new rules, Fisheries New Zealand will also;
 - 15.1. publish and circulate new brochures including updated daily bag limit and accumulation limit information;
 - 15.2. educate recreational fishers about the new rules directly through communication channels used by fishery officers in these regions, including targeted media releases.

16. Fishery Officers will be responsible for ongoing enforcement of the new arrangements, which is expected to fall under their current day-to-day work.

Proactive release

17. Following Cabinet consideration I intend to consider the release of this paper in full.

Consultation

18. The Treasury and Te Pūni Kokiri were consulted on this paper and their feedback was incorporated.
19. Other organisations and entities consulted were Ngāi Tahu, Te Tau Ihu Iwi Forum, Te Waka a Maui Iwi Forum, Kaikōura Marine Guardians, and recreational fishing stakeholders.
20. While there is no specific requirement to consult on Orders in Council, the Fisheries Act 1996 provides guidance in section 12, being to consult people who have an interest in the stock or the effects of fishing on the aquatic environment in the area concerned, including, but not limited to, Māori, environmental, commercial and recreational interests; and provide for the input and participation of tangata whenua, having particular regard to kaitiakitanga.
21. The Cabinet Economic and Development Committee agreed to consultation on this matter on 15 August 2018 (DEV-18-MIN 0167). Fisheries New Zealand consulted publicly on daily recreational limit options for six weeks between August and October 2018. This included release of a discussion paper and public information sessions. This consultation meets the statutory obligations.
22. Seventy submissions were received in response to the discussion paper, with the majority of submissions supporting a reduction to the daily bag and accumulation limits.

Recommendations

The Minister of Fisheries recommends that the Cabinet Legislation Committee:

1. note that on 22 August 2019, the Cabinet Environment, Energy and Climate Committee agreed to set reduced recreational bag and accumulation limits for pāua in PAU 3 (Canterbury) and PAU 7 (Marlborough) [ENV-19-MIN-0041];
2. note that the Fisheries (Amateur Fishing) Regulations 2013 – PAU 3 and PAU 7 Bag and Accumulation Limits will give effect to the decision referred to in paragraph 1 above;
3. authorise the submission to the Executive Council of the Fisheries (Amateur Fishing) Regulations 2013 – PAU 3 and PAU 7 Bag and Accumulation Limits;
4. note that the Fisheries (Amateur Fishing) Regulations 2013 – PAU 3 and PAU 7 Bag and Accumulation Limits are intended to come into force on 12 December 2019.

Authorised for lodgement

Hon Stuart Nash
Minister of Fisheries