LEG-19-SUB-0137

# Cabinet Legislation Committee

## Summary

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## Conservation (Indigenous Freshwater Fish) Amendment Bill: Supplementary Order Paper

**Portfolio** Conservation

**Purpose** This paper seeks approval to release a Supplementary Order Paper (SOP) to the Conservation (Indigenous Freshwater Fish) Amendment Bill (the Bill).

**Previous Consideration** None.

**Summary**

The Environment Committee reported the Bill to the House on 31 July 2019. Technical and legal analysis of the Bill as reported has identified a need for some amendments to give effect to the Committee's intent.

The SOP amends the Bill to:

- make it an offence to disturb sports fish which are congregating or have congregated to spawn;
- allow the New Zealand Fish and Game Council to request a *Gazette* notice to declare a spawning area in relation to the spawning of sports fish;
- update the section of the Act which provides for infringement offences relating to spawning fish;
- replace a clause to allow whitebaiting to occur in conservation areas for at least two years following the commencement of the amended Act, if required;
- make further minor technical changes.

**Regulatory Impact Analysis** A Regulatory Impact Statement was provided with the policy paper for the Bill.

**Compliance** There are no outstanding compliance issues.

**Timing Issues** None.

**Announcement** None outlined.

**Proactive Release** None indicated.

Released by the Minister of Conservation

**Consultation**

Paper prepared by the Department of Conservation. Parliamentary Counsel Office (Attorney-General) was consulted.

The Minister of Conservation indicates that the Minister of Justice, the Attorney-General, the Minister for Māori Development, the Minister of Fisheries, the Minister for Biosecurity and the Minister for Māori Crown Relations Te Arawhiti were consulted.

The Minister also indicates that New Zealand First, the Green Party and the Labour Party were consulted.

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**The Minister of Conservation recommends that the Committee:**

1 note that the Conservation (Indigenous Freshwater Fish) Amendment Bill (the Bill) was reported back to the House by the Environment Committee on 31 July 2019;

2 note that the Bill as reported back provides new provisions (replacing existing provisions) for the protection of spawning areas;

3 note that further technical and legal work in relation to those provisions has identified a need for some adjustment to the new provisions to give full effect to the intention of the Committee and retain the existing ability to protect sports fish that are congregating for spawning;

4 note that the Bill as reported back provides for a one-year transition period before restrictions on taking whitebait apply to conservation areas;

5 note that there would be benefit allowing the transition period for whitebaiting in conservation areas to be at least two years;

6 note that some technical amendments and correction of a drafting issue would be beneficial;

7 agree that the Supplementary Order Paper [PCO 21312-1/10.0] be released at the Bill's Committee of the Whole House stage.

Jack Petterson
Committee Secretary

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**Hard-copy distribution:**
Cabinet Legislation Committee
Minister for Māori Crown Relations: Te Arawhiti
Minister for Māori Development

Released by the Minister of Conservation