



Cabinet Economic Development Committee

Summary

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Importation of Trout Meat and Trout Products

Portfolio Conservation

Purpose This paper seeks agreement to continue the prohibition on the importation of trout meat and trout products for an indefinite period

Previous Decisions On 31 July 2018, the Cabinet Environment, Energy and Climate Committee agreed to continue the prohibition for a further three years, to 29 September 2021 [ENV-18-MIN-0035].

On 10 February 2021, the Cabinet Business Committee:

- approved the government response to the select committee report entitled *Petition of Clive Edward Barker: Legislation to Allow Commercial Trout Farming*;
- agreed that a review of legislation prohibiting the farming and sale of trout is currently not an immediate priority, but may be revisited once the implementation of the Aquaculture Strategy is further advanced.

[CBC-21-MIN 0022]

Proposal The farming of trout and the sale of wild trout is prohibited under the Conservation Act 1987 and the Fisheries Act 1996. Controls on importing trout have been in place since 1998 – the current Customs Import Prohibition (Trout) Order 2018 expires on 29 September 2021.

Allowing the Order to lapse would enable the importation and sale of trout, and provide greater consumer choice. It would also avoid OIA s.9(2)(d) and create new food industry opportunities, but it would create risks to the wild trout fishery.

Agreement is sought to continue the import prohibition using the statutory vehicle under the Customs and Excise Act 2018, with a new exemption from the import prohibition for petfood meeting certain criteria.

The new Customs Import Prohibition (Trout) Order would not be time limited, but be for an indefinite period. If a decision is made in the future to amend the legislation to allow trout farming, the Order could be revoked at the appropriate time.

Impact Analysis	A Regulatory Impact Statement (RIS) is attached . The Department of Conservation considers that the RIS partially meets the quality assurance criteria (discussed in paragraphs 74-78).
Financial Implications	None.
Legislative Implications	A new Customs Import Prohibition (Trout) Order is required to continue the prohibition.
Timing Matters	The current prohibition will end on 29 September 2021. It is proposed to extend the prohibition indefinitely.
Communications	None.
Consultation	<p>Paper prepared by DOC. PCO, Customs, Treasury, TPK, MFAT, Te Arawhiti, MPI and MBIE were consulted. DPMC was informed. The NZ Fish and Game Council was also consulted.</p> <p>The Acting Minister of Conservation indicates that DEV Ministers, the Minister for Māori Crown Relations: Te Arawhiti, and the two Parliamentary Under-Secretaries were consulted, and that the government caucus was also consulted.</p>

The Minister of Conservation recommends that the Committee:

- 1 note that the importation of trout and trout products in any form for sale is generally prevented by the Customs Import Prohibition (Trout) Order 2018, which expires at the close of 29 September 2021;
- 2 note that if imports and sale of trout or trout products are allowed, there could be risks to the recreational trout fishery and supporting businesses if the fishery declines as a result of impacts from illegal poaching of trout;
- 3 note that there will be ongoing restriction in consumer choice, and there may be [REDACTED] [REDACTED] OIA s.9(2)(d), if the trout import prohibition continues;
- 4 note that some Māori have interests in wild trout fisheries and some are interested in commercial farming of trout, and that wide consultation would therefore be appropriate before changing the status quo;
- 5 note that a Customs Import Prohibition (Trout) Order 2021 may be made under section 96 of the Customs and Excise Act 2018 only if the Minister of Customs considers the prohibition is necessary in the public interest;
- 6 note that any Customs Import Prohibition (Trout) Order can, if required, be revoked by a subsequent Order;

- 7 agree that it is in the public interest to continue the prohibition on the importation of trout and trout products for an indefinite period, and acknowledge that the mechanism available under the Customs and Excise Act 2018 is the only available statutory vehicle;
- 8 agree that the import prohibition no longer apply to petfood containing trout that is commercially prepared and packaged for direct retail sale, is labelled as petfood, and is in its original sealed packaging on arrival in New Zealand;
- 9 invite the Minister of Customs to issue drafting instructions to the Parliamentary Counsel Office to draft an Order in Council giving effect to the above paragraphs, to come into effect on 30 September 2021.

Janine Harvey
Committee Secretary

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