



CAB456
PDS/FM/004/035

9 July 2008

Minister of Fisheries

FISHERIES AMENDMENT BILL (SECTION 13): APPROVAL FOR INTRODUCTION

Purpose

1 This paper seeks your agreement to approve the attached paper intended for Cabinet Business Committee (CBC) of 14 July 2008 seeking Cabinet approval for the introduction to the House of a Bill to amend section 13 of the Fisheries Act 1996 (the Act).

Background

2 The effect of the judgment of Justice Miller of 22 February 2008 in Anton's Trawling Company Limited v The Minister of Fisheries (CIV 2007-485-2199) is that a key provision of the Fisheries Act – Section 13: Total Allowable Catch (TAC) – is no longer available for use in management decisions for many fish stocks. The TAC set under section 13 is the main instrument used to constrain fishing on each fish stock to levels that can be sustained over time.

3 On 2 July 2008, Cabinet Policy Committee agreed that the proposed amendment to the Act to remedy the deficiency that was identified in the February 2008 High Court decision, should be drafted into a Bill and submitted for approval for introduction with a priority 2 [POL Min (08) 11/3 refers]. Drafting instructions have been issued to Parliamentary Counsel Office to draft a Bill for submission to the House.

4 The attached paper seeks the approval of CBC for the submission of the Bill.

Process Issues

5 As the next Cabinet Legislation Committee meeting is not until 24 July 2008, we propose that this paper is sent to CBC for its meeting of 14 July 2008 and thence to Cabinet on 21 July 2008. The Bill could then be introduced the same day and have a first reading on Thursday 24 July 2008.

Pre-Cab
July 14
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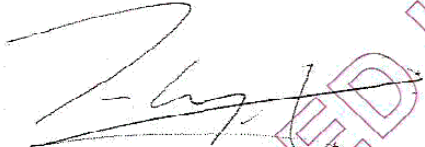
6 A shortened Select Committee process will be required to have the Bill passed in the remaining sitting days.

7 The Ministry of Fisheries has prepared material to notify non commercial stakeholders and environmental organisations of the progress that has been made to date and the anticipated process for advancing the amendment. Copies of the material contained in the annex to the Cabinet paper, including the indicative drafting, will be provided to stakeholders tomorrow (10 July 2008).

Recommendations

8 It is recommended that you:

- a) **Sign** the attached paper; and
- b) **Note** the need to expedite the process for the proposed amendment due to the limited number of sitting days left in the current Parliamentary term.



Terry Lynch
for Chief Executive
Ministry of Fisheries

NOTED



Hon Jim Anderton
Minister of Fisheries

10 / 7 / 2008

Encl: