



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



Fisheries Management Reform

A 28-page discussion paper has been issued by Fisheries New Zealand as public input is sought on draft new rules for the commercial fishing industry.

The four main proposed areas of reform entail:

- amending the rules for what fish must be brought back to port and what fish can be returned to the sea – including options to tighten the rules so fewer fish are returned to sea or increasing flexibility so more fish can be returned
- reviewing the offences and penalties regime to ensure it is fair and effective
- streamlining and updating the ministerial decision-making process for setting catch limits
- technical changes to the Fisheries Act

When issuing the discussion paper early last month, Fisheries Minister Stuart Nash said tangata whenua, the commercial fishing industry, recreational fishing groups and environmental organisations were united in seeking a better fisheries management system.

“Some of the current rules for commercial fishing are complex, open to interpretation, offer few incentives to adopt innovative practices and may lead to lost economic value and wasted resources,” he said.

“I would like to hear a wide range of views. Fisheries New Zealand officials will travel the country to hold consultation meetings across ten centres, from Whangarei to Invercargill. Submissions can be made via the Website or by E-mail or post. I anticipate decisions arising from this exercise will result in the development of new legislation later in 2019.”

Minister Nash said the new phase of fisheries management reform follows the introduction of electronic reporting of commercial catches and of vessel positions to identify what fish are being caught and where over the past two years.

“I can also confirm I am committed to considering onboard cameras once these policy questions are addressed. Previous regulations were unrealistic and were developed without adequate engagement. I expect to soon provide an update to Cabinet.

“There is a process to follow before onboard cameras can be considered and I need to first ensure the regulations are practical to implement, the technology is operationally ready to go, the systems are in place and the fisheries management framework is clearly understood. Any proposal for onboard cameras would go through a public consultation process.

“The lessons from Australia, where it took ten years to get 80 cameras in place, demonstrate that considerable time and effort should be invested in getting it right before the cameras are rolled out.”

The Minister clarified that the country’s fisheries management regime, which is underpinned by the about 30-year-old Quota Management System (QMS), will not be affected by the proposed changes.

“But we are always looking for ways to improve the management of our fisheries. We want commercial fishing practice to align with our goals of sustainability. We also want to encourage innovation and new technology and to promote premium fisheries products as part of New Zealand’s global brand.

“The rules being discussed in [the discussion] document set the framework for the next steps in fisheries management reform. They are designed to encourage a culture change so that every fish is valued by the commercial industry.

“This needs to be driven by clear and easily understood rules that further incentivise the industry to adopt good fishing practices. That will require the industry to be more accountable, maximise the value of the catch, report accurately and verify what is caught.”

FAQs

Frequently asked questions issued with the discussion paper included:

1. Why are you proposing to change rules for landing and return of fish to the sea?

We are looking to simplify the rules in commercial fisheries around what fish must be landed and what can be returned to the sea, and ensure that these rules incentivise good fishing practice.

In some places, the commercial fishing rules are unclear, hard to understand and can be open to interpretation. This can contribute to catches not being accurately reported or accounted for.

For example, some commonly caught fish have minimum legal sizes, while others do not, and some fish can be legally returned to the sea regardless of size. For commercially-caught fish which do have a minimum legal size, all undersize fish are currently required to be returned to the sea, alive or dead.

The current rules also provide few incentives to fishers to avoid catching small or low-value fish, because many fish can be legally returned to the sea. As a result, the rules do not effectively incentivise good fishing practice or innovation in more selective fishing methods and practices.

2. What is the problem with being able to return a large range of fish to the sea?

Many of these fish may not be currently reported, so the number of fish being returned to the sea is difficult to quantify. This information is an important factor when making fisheries management decisions, such as setting catch limits for a fish stock. We need reliable and more complete information on catches to support better fisheries management.

3. How could commercial vessels avoid catching small or unwanted fish?

We want to ensure that all fish caught under the QMS are accounted for. We know that given the right incentives, the industry can reduce the number of small or unwanted fish they catch by changing their fishing practices, such as modifying fishing gear setup, fishing at different times or in different places.

4. Why are you not proposing changes to minimum sizes for recreational fishing?

Recreational fishing methods by and large have a relatively low impact on the marine environment. Individuals are often able to return undersized fish to the sea unharmed.

While the survival chances of released fish will depend on the method used to catch the fish, the depth at which they are caught and how they are handled before release, individuals largely have a choice over which fish to take home and which to return to the sea.

A recreational minimum legal size limit, in combination with a daily bag limit, is the most effective and sustainable way to control a recreational catch allowance.

5. Why do you want to introduce new offences and penalties?

Fisheries offending has historically been hard to detect because it typically occurs out at sea, well away from the public eye. As a result we have strong penalties in place for when it is detected.

The introduction of electronic catch and position reporting will increase the likelihood that breaches of commercial fishing rules are detected. As a result, we need to ensure flexible penalties are available and that we can respond in a commensurate way to the level of offending. Having a graduated range of offences and penalties based on the number of fish and how often breaches are made would offer a more balanced regime. It would also encourage good fishing practices if authorities had the ability to issue infringements for low-level offences.

Opposition to Onboard Cameras

Meanwhile, a letter to Minister Nash dated July 27 last year made it clear that various New Zealand seafood companies and stakeholders “do not support your current proposal for compulsory cameras to be imposed on all commercial fishing vessels”.

Released under the Official Information Act, the letter’s signatories were partly redacted, but those remaining visible included senior representatives of Talley’s, Sealord, the Federation of Commercial Fishermen and Te Ohu Kai Moana.

Forest and Bird spokesperson Karen Baird reportedly accused the signatories of having “not been honest with us, telling us they support cameras” and said the parties were saying one thing publicly while working towards a quite different outcome behind the scenes.

However, Te Ohu Kai Moana head Dion Tuuta reportedly countered that the comments were based on the camera proposal as it stood in July last year.

“While cameras may be useful for identifying protected species that are accidentally caught like dolphins and such, the technology does not work to identify things like small fish size,” he reportedly said.

“So our concern at that time was [that] perhaps some of the promises that were being made were a little bit over inflated. It’s not necessarily an issue of wholesale opposition to cameras. It’s about the sensible use of cameras.”

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