

17 July 2015

Mr M Dunne
Ministry for Primary Industries
PO Box 5620
Wellington

Dear Martyn

REVIEW OF SUSTAINABILITY CONTROLS FOR SELECTED FINFISH STOCKS
MPI Discussion Document No: 2015/24

Introductory Comments

1. You have asked for comments on the review of sustainability controls for selected finfish stocks, viz, GUR3, GUR7, SPO2, SPO7 and STA7. This submission reflects the view of Fisheries Inshore NZ Limited (FINZ). If you have queries in respect of this submission, please contact Tom Clark, Policy Manager Fisheries Inshore (Tel 04 802-1514).
2. FINZ is the representative entity for inshore finfish, pelagic and tuna fisheries in New Zealand. Its role is to deal with national issues on behalf of the sector and to work directly with, and behalf of, its quota owners and fishers.
3. FINZ works closely with other commercial stakeholder organisations that focus on regional and operational issues; including the adjustment of specific TACs. Area 2 Inshore Finfish Management Company and Southern Inshore Fisheries Management Company are the mandated organisations with respect to the matters consulted on and FINZ supports and endorses their submissions.
4. Although our strong preference was for a greater number of stocks to be reviewed, FINZ is encouraged that MPI is proposing to increase TACs of these five stocks. It is of prime importance that TACs are increased or decreased in a timely manner to reflect biomass fluctuations. Failure to do so results in lost economic opportunities, sustainability risks and/or the imposition of incentives that we prefer to avoid.
5. FINZ looks forward to working with MPI to ensure more fisheries are actively managed in a pragmatic and timely fashion. This is the basis of good fisheries management.

Recreational and Customary Allowances

6. The review of the sustainability controls also entails a review of the recreational and customary allowances for the fishstocks. The table below summarises the consultation proposals along with the MPI's latest estimates of recreational catch:¹

RECREATIONAL AND CUSTOMARY ALLOWANCES FOR SELECTED STOCKS						
Stock	Recreational			Customary		
	Existing Allowance (t)	Proposed Allowance (t)	2011/12 Survey Estimate (t)	Existing Allowance (t)	Proposed Allowance (t)	Reported Authorisations (t)
GUR3	5	6	2	3	3	n/a
GUR7	20	21 / 22	12	10	10	n/a
SPO2	10	12	8	5	5	n/a
SPO7	29	33	21	15	15	n/a
STA7	2	3 / 4	3	1	1	n/a

Note: n/a is not available.

7. The setting of the recreational and customary allowances should be in in accord with the Information Principles set out in section 10 of the Fisheries Act 1996, which states:

“10 Information principles

All persons exercising or performing functions, duties, or powers under this Act, in relation to the utilisation of fisheries resources or ensuring sustainability, shall take into account the following information principles:

- (a) decisions should be based on the best available information:*
- (b) decision makers should consider any uncertainty in the information available in any case:*
- (c) decision makers should be cautious when information is uncertain, unreliable, or inadequate:*
- (d) the absence of, or any uncertainty in, any information should not be used as a reason for postponing or failing to take any measure to achieve the purpose of this Act”*

8. It would appear that a number of the proposed allowances of recreational and customary catch are not in accordance with the Information Principles and are in excess of the best available information on existing utilisation.
9. Each tonne of fish allocated to the recreational or customary sector in excess of anticipated catch for a representative inshore fishstock such as gurnard, rig or stargazer represents over \$2,000 of revenue foregone by fishers and exports foregone of over \$10,000. If the commercial fishing sector is to achieve the goal of doubling export values, recreational and customary allowances need to be set at realistic levels and TACCs set at the maximum level within the TAC.

¹ National Panel Survey of Marine Recreational Fishers 2011–12: Harvest Estimates. New Zealand Fisheries Assessment Report 2014/67, November 2014.

Recreational Allowances

10. We note that the consultation document makes use of the 2011/12 National Panel Survey of recreational fishers. However we also note the comments on the reliability of the survey which has been favourably received by peer reviewers. The survey provides coefficients of variation that are well within the accepted limits for catch estimation and are sufficiently reliable to inform the TAC allowance decisions. While improvements to the catch estimation methodology are being considered, if MPI is of the view that the survey cannot provide reliable estimates, they will need to consider other strategies to achieve reliable reporting of recreational catch. That might include mandatory reporting of recreational catch.
11. It is not acceptable that MPI continues to point to the absence of data on recreational catch from charter vessels as a source of uncertainty in recreational allowances. Despite consulting on improved catch reporting from recreational charter vessels in 2013, the Ministry has still to implement improved catch reporting from recreational charter vessels.
12. Recreational fishing is poorly monitored and managed and there is no indication that for the stocks under review the sector is not already taking all the fish that they wish. In view of the estimated recreational catches, we consider that the proposed recreational catch allocations for GUR7 and SPO7 are excessive and have not been set in accordance with the Act's provisions. The estimates of current catch are already below the existing recreational allowance. There is no rationale that suggests an even higher allowance is warranted.

Customary Allowances

13. Allocations to the customary sectors are made in respect of the interests of those sectors and reflect what the Minister deems to be an appropriate allowance for the sector. They are not made to provide for existing utilisation levels, as asserted by MPI. While the Minister does not have the power to intercede in customary fishing authorisations nor take direct action to constrain customary catch, it would be expected that those authorising customary permits would take into account Ministerial decisions in respect of allowances within TACs.
14. The customary allowance in the TAC relates only to customary fishing as authorised under the Fisheries (Amateur Fishing) Regulations 2013, Fisheries (Kaimoana Customary Fishing) Regulations 1998 or the Fisheries (South Island Customary Fishing) Regulations 1999. It does not include fishing by tangata whenua under the recreational regulations.
15. Industry has raised the issue of reporting of customary fishing in previous submissions.
16. Where kaitiaki have been appointed under the Fisheries (Kaimoana Customary Fishing) Regulations 1998 or the Fisheries (South Island Customary Fishing) Regulations 1999, all authorisations and catch is required to be reported to MPI. Where kaitiaki have not been appointed, customary fishing is operating under section 51 of the Fisheries Act and does not require reporting of authorisations and catch of customary fishing authorisations. We are aware that not all kaitiaki are furnishing returns as required.
17. While the level of catch under customary fishing authorisations is not expected to be significant, we would expect MPI to implement and operate monitoring and reporting processes that provide reliable estimates of catch to inform allocation decisions.
18. The consultation document refers to customary catch authorisations and catch being at low levels with most fishers taking the stocks involved under amateur fishing provisions.

19. While we have no objection to a reasonable provision being allocated, in view of the low level of estimated recreational catch of the stocks and the low number of customary authorisations, it is difficult to understand how such large allowances for customary fishing are provided for GUR7 and SPO7. The allocations proposed appear to be in excess of the best available information on existing utilisation.
20. We submit that MPI needs to
 - a. improve its capacity to provide estimates of customary fishing catch to inform the customary fishing TAC allowance; and
 - b. review the reasonableness of customary fishing allocations to reflect the available information.