

4 March 2022

Fisheries Regulation Amendments 2022
Fisheries Management
Fisheries New Zealand
PO BOX 2526
Wellington 6011

**FISHERIES INSHORE NEW ZEALAND SUBMISSION ON:
PROPOSED TECHNICAL AMENDMENTS TO FISHERIES REGULATIONS
Fisheries New Zealand Discussion Paper No: 2022/01**

1. Thank you for the opportunity to respond on the consultation “*Proposed Technical Amendments to Fisheries Regulations Discussion Paper No: 2022/01*”.
2. Fisheries Inshore New Zealand Ltd (Fisheries Inshore) comments only on those amendments relating to inshore finfish stocks. Fisheries Inshore have not commented on amendments specifically related to the deepwater, rock lobster and paua fisheries but endorse the comments of DeepWaterGroup, Rock Lobster Industry Council and Paua Industry Council in relation to amendments specific to those fisheries. Where appropriate, Fisheries Inshore have commented on proposals focused on the customary and recreational fisheries.
3. Fisheries Inshore do not intend our response to conflict with or override any response provided independently by fishers, quota owners, or independent companies Fisheries Inshore represent.
4. Any queries should be directed to Laws Lawson, Executive Chair, Fisheries Inshore New Zealand Limited.

Fisheries Inshore New Zealand

5. Fisheries Inshore represents inshore finfish, pelagic and tuna fisheries in New Zealand.
6. Our role is to represent the policy and operational interests of the industry, whilst working with Crown agencies such as Fisheries New Zealand (FNZ), the Department for Conservation (DOC), and the Ministry for the Environment (MfE), liaising with environmental and other organisations and participating in collaborations to inform and assist in the management of fisheries resources and the wider aquatic environment. To assist us to represent the industry, Fisheries Inshore have established management committees for the North Island inshore finfish stocks and the Highly Migratory Species (HMS). Those committees have been consulted in the preparation of this submission.
7. Fisheries Inshore is committed to sustainable utilisation of our fisheries and any wider fishing activity while supporting the conservation and sustainability of the wider marine biodiversity our fisheries are part of. Key outputs of Fisheries Inshore are the development of, and agreement to appropriate policy frameworks, processes, and tools to assist the sector to undertake its responsibilities in better managing our fisheries and to minimise our impacts on the associated marine ecosystems and we do this by working positively with other fishers and users of the marine space where Fisheries Inshore members carry out our harvesting practices.
8. The role our sector plays is to provide the ‘team of five million New Zealanders’ with the ready ability to enjoy and benefit from their share of the fisheries resources in the inshore waters.

Fisheries Inshore catch the fish of, and for, those New Zealanders who do not have the time, the expertise or the resources to catch fish themselves on a regular basis. More than 80% of Kiwis eat fish at least once a month (45% once a week) whereas only 9% of Kiwis catch fish once a year. Those New Zealanders have the right to consume their fish – the healthiest protein we have. Fisheries Inshore members make that possible. And our fishers, quotas owners and licensed fish receivers are members of their local communities providing employment opportunities and drawing services from and providing fish to those communities.

The Proposal

9. FNZ is consulting on a package of 33 amendments to existing regulations that cover commercial, recreational and customary fisheries. Fisheries Inshore support the initiative of FNZ to review these regulations.
10. It would be appropriate and timely if FNZ, to the extent that resources would allow, would review some 9,000 regulatory provisions for commercial fishing - often overlapping, many redundant and many having their origins pre the Quota Management System (QMS) - before imposing yet another cluster of regulations to accommodate electronic monitoring and the legislative policy reforms.
11. The package includes a number of proposals to introduce infringements and infringement fees to supplement the enforcement tools available to the Ministry of Primary Industries (MPI). Fisheries Inshore supports the intention of a more discerning set of compliance measures that better fit the penalty to the misconduct. In principle therefore, Fisheries Inshore supports the concept and need for an infringement framework being established. With the introduction of improved electronic monitoring, the probability of detection of an offence on those vessels has increased. It is appropriate to switch the penalty regime from one of low risk of detection but with high consequences to a regime of a high risk of detection but a lower level of and more timely application of a penalty.
12. However, Fisheries Inshore believes infringement notices and fees should be used to address offences of a material nature and not used for minor or unintended offences that arise from human error or circumstances where the operator is unable to realistically comply with the regulations. For example, we would consider the failure to provide a daily catch report within the regulated time is not material and would not warrant an infringement advice being issued but failure to provide a landings or disposal report without a valid reason that precludes the advice being provided would constitute a material offence. Fisheries Inshore considers the use of an infringement process requires the same evidential quality to justify the infringement being served as would a prosecution being initiated. We also consider that only one infringement fee should be imposed in respect of an event, notwithstanding that the event might involve multiple offences.
13. While Fisheries Inshore endorses the need for accurate catch reporting as the basis for sound fisheries management, we are concerned that MPI is setting unrealistic standards for the extent and quality of the catch reporting process, far beyond the fisheries management needs and far beyond the standards expected in financial reporting and auditing. Fishers are required under the Fisheries (Reporting) Regulations 2017 to report all catch, landings and disposals. That contains the information needed for sound fisheries management. What MPI seeks is a full information, fine scale detailed reporting system that can undertake an automated audit of the catch and disposal reporting and custodial chain to identify any anomalies, whether material or otherwise, for investigation. The benefits to fisheries management of such levels of precision in reporting are infinitesimally small. The Electronic Reporting system as it has been implemented and as to be amended under this consultation has solely been designed around making compliance activities easier to undertake rather than providing an adequate information base for fisheries management.
14. Fisheries Inshore contrasts the standards imposed on the commercial sector with the reporting requirements of the recreational and customary sectors who take the same fish as commercial:
 - Recreational fishers generally are not required to report their catch or take, with their totals being estimated using a 5 yearly voluntary diary survey supplemented by boat ramp surveys in some locations notwithstanding catch allocation limits being set and MPI being responsible for managing recreational catch to those allocations

- Licensed charter vessels providing catch platforms for recreational fishers are required to report the catches of some species by fishers on the vessel.
 - Customary catch is required to be authorised at an individual event level prior to harvest and then reported in aggregate under the Kaimoana customary fishing regulations, but MPI does not enforce those provisions and regularly state in advice to science working groups, sustainability reviews and the Minister that there are no reliable estimates of customary take.
15. It is not acceptable to impose extremely high reporting standards on the commercial sector and then seek to increase the ability to enforce the regime with economic penalties that will cumulatively strip resources and remove the ability for the sector to innovate for better management. All this while ignoring the poor catch reporting of the other sectors, noting the inability of FNZ to manage recreational fishing to approved allocations and the high proportion of the TAC allocated to other sectors in some stocks that have greater effect on sustainability than ensuring documentation of this compliance to the 4th decimal place.
 16. Fisheries Inshore notes that many of the amendments are sourced from compliance and are intended only to enable Compliance and fishers to have greater certainty as to the definition and application of legislated provisions. Those amendments have diverted resources both in FNZ and in industry to respond to the consultation away from mainline fisheries management yet add little value to fisheries management and only serve to illustrate the overriding Ministry focus on compliance and enforcement rather than effective management of New Zealand's fisheries resources. FNZ is both a resource manager and the enforcement agency and more balance in its operational activities is required if New Zealand is ever to benefit from the sustainable utilisation of those resources.
 17. It would have been beneficial if FNZ had worked with fishers and software providers on the content of the amendments before providing them for consultation. The rationale provided and the solutions provided in the discussion document are not necessarily needed nor the most appropriate. We see no reason, given the absence of fisheries management value in most of the changes, why FNZ could not have taken more time to discuss the proposed amendments with stakeholders and ensure pragmatic acceptable solutions were proposed.
 18. Fisheries Inshore comments on the proposals below in the order presented in the consultation document:

PROPOSALS RELATING TO REGULATIONS DIRECTED PRIMARILY AT COMMERCIAL FISHERS AND LICENSED FISH RECEIVERS

4.1 Review of Specific Aspects of Recordkeeping Regulations (Proposal 1)

19. There are five issues being addressed in this umbrella proposal:

Issue 1 Record where commercial fishers hold or store fish

20. The issue arises from fishers retaining or storing fish from several trips and subsequently landing them to a Licensed Fish Receiver (LFR). At present, the fisher is not required to identify the trip event related to that fish. The intent of this proposal is to require the fisher to include the trip events on the landing report and issue (ii) requires the LFR to record the trip events on the purchase invoice.
21. The new proposal effectively looks to replicate the existing process used in the rock lobster sector where lobsters are placed in holding pots in the possession of the fisher then taken from the holding pot and landed to the LFR. The parallel will be a for a fisher to retain the fish on board or in storage, then move it from the storage to land it to the LFR.
22. It would appear there are annually some 2,400 events where fish other than rock lobster are retained by fishers and then subsequently landed to an LFR.
23. Fisheries Inshore understands the amendment but notes that it may require additional record keeping by fishers to identify the landings and the weights associated with the trips. Difficulties will emerge if the fisher chooses to store retained fish in common storage and then land or utilise

only a proportion of that fish retained in storage. It is unclear how the fisher will be expected to identify the particular trip event for the fish he lands.

24. Fisheries Inshore understands the process is not without problems in the rock lobster sector with a number of disputes between operators, LFRs and MPI as to reconciliation of the weights involved. Fisheries Inshore does not wish to see those same disputes replicated in the finfish sector.
25. Fisheries Inshore believes there may be a more effective solution to the matter and would ask you consult FishServe as to a more appropriate solution.
26. Fisheries Inshore considers this amendment has no merit or worth from a fisheries management perspective and exists only to assist compliance to obtain a fully documented custodial chain for catch. This is discussed previously in this submission.
27. Fisheries Inshore does not support the amendment as Fisheries Inshore believe it has no material value to fisheries management but imposes unnecessary additional demands on fishers.

Issue 2 – Link between LFR recordkeeping obligations and permit holder obligations to report trip-specific information

28. This is the LFR counterpart to issue (i) above. It requires LFRs to identify on purchase invoices the fish accepted from each trip event.
29. As with issue (i) above, Fisheries Inshore does not support the amendment as we believe it has no material value to fisheries management.

Issue 3 – Overlap between LFR recordkeeping obligations and permit holder reporting obligations to report species- and stock-specific information

30. Fishers currently use the disaggregated species specific codes for catch and landings reports but use the aggregate codes for GLM, OEO, FLA and HPB in MHR returns. Since the information is reported at the disaggregated species specific level, achieving the outcome should be only a software amendment.
31. Fisheries Inshore supports the need to align the species codes for catch reports and MHR reports.
32. However, Fisheries Inshore has major issues with the need for MHR returns. Fishers are required to and report their catch on a daily basis. That information is updated and amended as appropriate. In submitting their returns, operators are required to affirm their catch. Given that the catches are reported, a separate MHR report is unnecessary in that it can be compiled electronically from existing catch data. Requiring operators to submit an additional return is unnecessary and not cost effective.
33. In some instances, Fisheries Inshore understands that some operators are having to manually re-enter information to complete their MHR. Fisheries Inshore see that as pointless and inefficient when the information has already been submitted to FishServe and FNZ.
34. Fisheries Inshore requests FNZ reconsider the need for MHR reports.

Issue 4 - Timeframe for LFRs to complete 'purchase invoices'

35. Fisheries Inshore agrees there is a need for LFRs to provide timely detailed purchase invoices to fishers to enable the fishers to meet their reporting requirements.
36. Fisheries Inshore have been advised that a number of small LFRs only issue purchase invoices on a monthly basis. They might issue landing dockets during the month and consolidate them into a purchase invoice at month end. They will need to adjust their practices and processes to meet the new timeframes required.
37. Fisheries Inshore understands that operators are required to manually enter any amendments needed to estimated landings data as a result of different LFR returns. It would be beneficial if LFRs and e-logbook providers could establish an electronic transfer of the information to reduce the risk of accidental errors in re-entry. The electronic data could be scrutinised and accepted by the operator prior to updating the landing records.

Issue 5 – Creation of infringement offences

38. Fisheries Inshore agrees with the need for an infringement offence regime to be implemented for breaches by the four categories of persons mentioned in the recordkeeping regulations.
39. Fisheries Inshore is not able to comment on the precise nature of the infringements but accept that a fee of \$100 appears to be comparable to fees for other similar fisheries offences. We support the concept of offences that relate to the catch or landing of fish as being appropriate for consideration of an infringement offence but have some problems where human error or lack of discipline is the cause of the offence.
40. Fisheries Inshore considers that:
 - the evidential quality to impose an infringement offence must be the same as that required to initiate a prosecution in the Courts and
 - an operator should only be required to pay one infringement fee per event, notwithstanding multiple offences may be defined.

4.2 Amendment to Definition of Fishing Trip (Proposal 2)

41. Fisheries Inshore notes the amendment sought.
42. Fisheries Inshore agrees with the amendment to clarify the definition. But we are concerned that it will distort the number of fishing trips used historically and are unsure as to whether the number of fishing trips is used in any current statistical or scientific series for fisheries management purposes.

4.3 Amendment to Obligations Around Completing and Providing Landing Reports (Proposal 3)

43. Fisheries Inshore see no reason to support this amendment.
44. Fishers are reporting their catches, inventories, and landings within acceptable timeframes. There is no need from an information perspective with respect to quantity or quality for the amendment. The reference to operators being required to complete trip start and end reports on completion of the event is neither helpful nor relevant. Those reports require the entry of a single time stamp and not a landing schedule. What matters ultimately is the accurate reporting of landings. That is already achieved with the provision of LFR and the amendment of the fishing report on landings by operators.
45. Fisheries Inshore are not convinced that sufficiently serious problems exist in the current reporting regime that warrants amending reports and fisher activity as sought in this amendment.

4.4 Amendments to Licensed Fish Receiver Regulations (Proposal 4)

Issue 1 – Consultation relating to conditions on licence

46. Fisheries Inshore are not comfortable with the amendment proposed. Fisheries Inshore are not uncomfortable with conditions being applied if they are appropriate. However, an integral part of the approval process must be that the reasons for and the application of those conditions are discussed with/consulted with the applicant and that the applicant has the right to respond to the proposals.
47. It is not acceptable that the Chief Executive should have the power to unilaterally impose conditions without consultation and justification.

Issue 2 – Lack of offence provision for failure to comply with conditions

48. The proposal is to provide additional offences and penalties to section 23 of the Fisheries (Licensed Fish Receivers) Regulations 1997. The offences currently are poorly specified and appear to be focused on using prosecutions as the primary enforcement tool. Given the MPI

initiative to implement infringement offences and fees, use of infringement action rather than prosecutions would appear to be more appropriate and effective.

49. While Fisheries Inshore can understand the need for additional offences to be created, before Fisheries Inshore could support the proposal, MPI would need to provide:
 - Additional detail on the nature of offences, and
 - The reasons for retaining prosecutions rather than infringements as the primary enforcement tool.
50. Fisheries Inshore requests that FNZ convene a working group with the LFRs to determine specific offences and appropriate fees.

Issue 3 – Definition of LFR Premises

51. Fisheries Inshore understands and supports the need for clarity in definitions.
52. Fisheries Inshore has not perused the Licensed Fish Receiver regulations in any depth for the obligations in respect of defining premises as being a place where fish is received or processed or distributed.
53. Fisheries Inshore is aware that number of LFR receiving depots may consist of an unmanned storage container/site.
 - Is it intended that should be an LFR premise in its own right?
 - Equally where a LFR operates a retail outlet selling fish, why would that need to be regarded as an LFR premise?
 - What documentation would premises need to provide on their operations?

4.5 Creation of Infringement Offence for Failing to Comply with Directive Issued Under Reporting Regulations (Proposal 5)

54. Fisheries Inshore understands the issues being raised in the amendment and the need for timely corrections of incorrect information. Fisheries Inshore is concerned by the number of notifications that have needed to be sent and the existence of over 2,500 issues being unresolved more than 100 days after notifications have been sent.
55. Before Fisheries Inshore is able to support the proposal, Fisheries Inshore needs to be better informed as to the nature and duration of the unresolved notifications, in particular do they arise as a result of what might be considered to be intended malfeasance by the operator or unintended and unresolvable issues.
56. Fisheries Inshore can support offences for those operators who intentionally refuse to comply with reporting requirements but are concerned that some of the obdurate problems arise from a poor implementation of electronic reporting. Prior to any regulatory change Fisheries Inshore would recommend that a process be established with FishServe to identify the non-intentional cases and ensure they are not penalised by the introduction of infringement fees. FishServe would need to establish an operator specific process to remedy those cases. Fisheries Inshore is willing to work with FNZ and FishServe on an education process with inshore fishers and permit holders in this category.
57. In respect of cases which signal an intent not to wish to comply with notification advices, Fisheries Inshore would support the introduction and use of infringement offences and fees.
58. Fisheries Inshore would agree with the offences proposed and the fees associated with them.
59. However, before any infringement advices are forwarded to operators, MPI should seek information as to the circumstances from FishServe and the fisher to inform the decision to take enforcement action.

4.6 Creation of Infringement Offences Relating to Seabird Mitigation Requirements (Proposal 6)

60. Fisheries Inshore supports the need for infringement offences and fees to be introduced in respect of the use of regulated seabird mitigation measures.

61. Fisheries Inshore agree with the rationale provided by FNZ in paragraphs 176 and 181 indicating the fee for infringement offences relating to failure to comply with regulations in the Circular should be higher than non-compliance with technical specifications.
62. Fisheries Inshore note the staggered infringement fee approach is a crucial part of using the VADE model for compliance efforts.
63. Although the use or non-use of mitigation measures might be simple to detect, there are circumstances where the use of mitigation measures is inappropriate and constitutes a risk to the crew on the vessel. There are also circumstances where compliance with the detail of the regulation in regard to the aerial extent, the depth of hooks and the placement of tori lines over the hooks simply cannot be ascertained with any certainty.
64. Infringement offence advices can only be issued where the evidence available to support the offence notice would match that required in a court of law. Any lesser quality will merely result in contested offences and a blockage of Court processes. The lack of certainty of compliance with the detail of the regulation precludes infringement offences being issued in many circumstances.
65. Fisheries Inshore supports the proposed infringement fees of \$250 for failure to comply with requirements in the circular, and \$100 for breaches of technical specifications.

4.7 Creation of Offence Provision and Corresponding Penalty for Otago Rock Lobster Regulation (Proposal 7)

66. Fisheries Inshore support NZ RLIC's submission on this proposed amendment.

PROPOSALS RELATING TO ROCK LOBSTER

67. Fisheries Inshore support NZ RLIC's submission on this set of amendments.

PROPOSALS RELATING TO COMMERCIAL FISHING METHODS OR GEAR

6.1 Providing for Commercial Fishers to Use Underwater Breathing Apparatus to Harvest Scallops (Proposal 10)

68. Notwithstanding the proposal to close a number of commercial scallop areas, Fisheries Inshore supports the proposal as a means to harvest scallops in a manner less injurious to the seabed and juvenile scallops. This will then enable similar harvesting by all 3 sectors. However we would welcome discussion on reporting requirements on all fishers regarding density of scallops before and after harvest to ensure we do not then enable serial depletion.

6.2 Providing for Commercial Fishers to Use Spearfishing (Proposal 11)

69. Fisheries Inshore support the proposal.

6.3 Review Prohibition on Use of Net-Sonde Cables (Proposal 12)

70. Fisheries Inshore is aware of increased interest and the benefits of vessels receiving real-time, in situ monitoring of the performance of nets and fishing gear operating at depth. A number of innovations and applications require the use of electronic connectivity by cabling. Non-cabled communications are technologically not an option at this time. Net-sonde cables provide the only option currently available and it would be inappropriate and provide unnecessary limitations on the adoption of new technology if net-sonde cables were not permitted. For those reasons, Fisheries Inshore support their use.
71. Such cables do come with risks to protected species, particularly seabirds, if the cables are not adequately protected. When the current prohibitions were put in place, seabird mitigation measures were not widely used and seabird deaths eventuated. Net sonde cables were often deployed from locations and in a manner that they were outside the warps of the vessel. The risk

to seabirds from net-sonde cables would need to be mitigated to ensure the risk is no greater than that which exists with regulated mitigation measures.

72. Fisheries Inshore supports the amendment, noting the need for mitigation measures to match the existing level of protection for warps..

6.4 Revoke Requirement to Attach Surface Floats to Set Nets at 500 Metre Intervals (Proposal 13)

73. Fisheries Inshore agrees with the proposed change to regulation 56 of the Fisheries (Commercial Fishing) Regulations 2001.
74. The proposed change aligns with information in the Mitigation Standards as described in paragraph 290, to encourage fishers to shoot their nets as quickly as practicable possible, but also to ensure their net is weighted appropriately to avoid floating on the surface.
75. The removal of the need to add additional floats when a setnet is set to sit deeper than 2m may assist in minimising the risk of entanglement to seabirds if the net is overfloated.

6.5 Define Terms Used in Trawl Net and Danish Seine Net Restrictions (Proposal 14)

76. Fisheries Inshore supports the need for definitions of additional gear used in trawl and Danish seine activity.
77. Our discussions with operators support your proposed definitions but they indicate sleeves, liners and flappers are not necessarily netting or mesh.
78. Additionally, some operators call sleeves the piece of mesh or canvas under trawl floats to stop chaffing.

6.6 Prohibit Use of 'J' Hooks by Surface Longline Fleet (Proposal 15)

79. Fisheries Inshore supports the prohibition on the use of "J" hooks by the surface long line fleet.
80. Our queries indicate that "J" hooks are not currently used by that fleet and the prohibition is supported by SLL fishers.

PROPOSALS RELATING TO CUSTOMARY FISHING REGULATIONS

7.1 Amendments to Authorisation Provisions in Te Arawa Lakes Regulations (Proposal 16)

81. No comment

7.2 Proposals Relating to Bylaws Made Under Customary Fisheries Regulations (Proposal 17)

Issue i) – Infringement offences

82. As noted earlier, Fisheries Inshore supports the concept and need for an infringement framework to be established for effective fisheries management. This amendment is the implementation of that regime switch in the enforcement of customary bylaws.
83. Fisheries Inshore is not comfortable with the proposal that the infringement offences should effectively be determined by the kaitiaki responsible for the establishment of the bylaws. Insofar as commercial fishing is concerned, the establishment of a mataitai automatically brings with it an exclusion of commercial fishing. A bylaw can be passed by the appointed kaitiaki to permit commercial fishing as specified in the bylaw. That bylaw might contain specific limitations and conditions.
84. Fisheries Inshore consider that the fees for fishing in any mataitai reserve should reflect the nature of the offence. Where a fisher is fishing within the mataitai where commercial fishing is prohibited, Fisheries Inshore considers a fee of \$500 should provide a sufficient penalty to discourage such activity. Where a commercial fisher is fishing in a mataitai where the bylaws permit commercial

fishing but is not complying with the detailed provisions of the bylaw, a fee of \$250 would be more appropriate.

Issue ii) – possession

85. Fisheries Inshore cannot accept the proposition that, while inside a mataitai, possession of fish, aquatic life or seaweed taken outside a mataitai reserve constitutes an offence.
86. Section 186, under which mataitai and taiapure are established, relates to the taking of fish and marine life from within the approved reserves. Kaitiaki are given powers to restrict or prohibit the taking of fish, aquatic life or seaweed from the mataitai. They have no wider powers that would legitimately include possession or any other activity not related to taking marine life from the mataitai. They have no power to make bylaws in regard to possession of fish. Being in a mataitai and possessing marine life taken legally outside the mataitai does not and cannot constitute an offence.
87. Such a regulation would imply the transit through, or anchoring in the mataitai, of a vessel with legally caught fish on board is committing an offence. The implications of the proposal would be that fishers entering harbours such as Dunedin, Lyttleton, Kaikoura, and Tauranga, would be offending and liable to infringement notices. That is patently absurd. The amendment to create an infringement offence for possession would be ultra vires the provisions of the Fisheries Act.
88. We have been informed that there are potential problems with recreational fishing where the location of catching fish cannot be verified from information provided to MPI, unlike commercial fishing where MPI uses GSR and ER to monitor fishing activity. If MPI seeks to address a problem specific to recreational fishing, then it should narrow the consultation and any regulatory amendment to that scope.

AMATEUR DAILY LIMIT PROPOSALS

8.1 Amendment to Amateur Daily Limit Provisions for Blue Cod in The Fiordland (Te Moana O Atawhenua) Marine Area (Proposal 18)

89. No comment

8.2 Reducing Amateur Daily Limit for Quinnat Salmon In Marine Waters to One Fish Per Day (Proposal 19)

90. No comment

8.3 Amendments to Chatham Islands Amateur Daily Limit Provisions (Proposal 20)

91. Fisheries inshore understands the frustration of the Chatham Islands community and their desire for reduced daily bag limits to reduce the take by visiting amateur fishers from the local's food basket.
92. We are sympathetic to their requests and while we might ordinarily look to sustainability reasons to drive the management measures, in this instance given the interests of the local community we can support the proposals presented that are consistent with the wishes of the Chatham Island community.

ADMINISTRATIVE REGULATORY PROPOSALS

9.1 Clarifying Surface Float Requirements for Commercial Fishers Using Pots Attached to A Backbone (Proposal 21)

93. Fisheries Inshore agrees with the proposed change to regulation 56 of the Fisheries (Commercial Fishing) Regulations 2001 to clarify that surface buoys are only required at either end of a backbone when pots are deployed using a backbone system.

94. Fisheries Inshore agrees it would be beneficial to have consistent gear marking requirements across similar gear types as outlined by FNZ in paragraph 396.

9.2 Clarification of Minimum Set Net Mesh Size Requirements that Apply to Commercial Fishers (Proposal 22)

95. Fisheries Inshore is aware of a number of problems that have emerged as a result of set netting activity where a mix of species with different mesh size requirements are taken. FNZ proposes that the set net mesh to be used is that for the target species.
96. Fisheries Inshore can support that proposal for the sake of simplicity, noting that a target is not defined and in many respects is an artificial construct where the expectation is a mix of species will be taken.
97. Fisheries Inshore has sought to find any documentation or rationale for the mesh sizes set out in the Fisheries Regulations but has been unsuccessful. Rather than prolong the use of what appear to be arbitrary mesh sizes, Fisheries Inshore would recommend FNZ undertake a more comprehensive review of the mesh size provisions, clarifying their purpose and the basis for determining appropriate sizes if they are necessary.

9.3 Clarification Around Use of Pots to Take Blue Cod or Octopus (Proposal 23)

98. Fisheries Inshore agrees with the proposed change to regulation 79A of the Fisheries (Commercial Fishing) Regulations 2001 to clarify the specific design requirements for blue cod and octopus pots that apply only when targeting those species.

9.4 Amend Labelling Requirements for Amateur Fishers Taking Rock Lobster In CRA5 (Proposal 24)

99. No comment

9.5 Clarify Definition of 'Width of Arm of The Sea' In Commercial Regulations (Proposal 25)

100. We are aware that the amendment will not necessarily resolve issues or provide clarity and certainty to fishers in respect of setting nets. However, Fisheries Inshore supports the amendment to align the two sets of regulatory provisions.

9.6 Revoke Redundant Regulation Relating to Approval of Trawl Nets (Proposal 26)

101. Fisheries Inshore agree with the proposal to delete regulation 71A(7) of the Fisheries (Commercial Fishing) Regulations 2001. An operator's approval to use an alternative trawl net should not be withdrawn in the event that the operator does not comply with the terms and conditions of the approval.
102. Compliance should be able to use its VADE process to assist the fisher to comply with the approved terms and conditions.

9.7 Amend Aspects of Shark Fin Management Provisions (Proposal 27)

103. Fisheries Inshore supports agile and timely fisheries management and the proposal to allow the CEO to issue circulars.

9.8 Revoke South Tasman Rise Orange Roughy Regulations (Proposal 28)

104. No comment.

9.9 Clarification That Amateur Fishers May Bleed Blue Cod (Proposal 29)

105. Fisheries Inshore does not object to this amendment.

9.10 Amendments to Defence on Possession of Blue Cod by Amateur Fishers (Proposal 30)

106. Before Fisheries Inshore could support the proposal, Fisheries Inshore would need to know how fishers would be required to prove the location where they caught the cod. Until that issue is resolved, Fisheries Inshore will not support the measure.

107. Regarding changed to bag limits in the territorial sea, Fisheries Inshore submitted on FNZ's consultation to 'Review the recreational bag limits for finfish' in November 2021 and supported retaining the current recreational bag limit settings across all five recreational areas proposed.

108. Fisheries Inshore maintains this position on of the recreational daily limits of finfish species outside the territorial sea.

9.11 Clarify Restrictions on Line Fishing by Amateur Fishers (Proposal 31)

109. Fisheries Inshore agrees to the need to amend the definition as proposed (issue i) and the need to apply the 25 hook limit to all recreational fishers, including those land based fishers using a towing device (issue ii).

9.12 Amendments to Otago Rock Lobster Concession Provisions (Proposal 32)

110. No Comment

9.13 Ensure References to Quota Management Areas and Fishery Management Areas In Commercial Fishing Regulations Are Correct (Proposal 33)

111. Fisheries Inshore supports this amendment.

Best Regards

A handwritten signature in blue ink, appearing to read 'Laws Lawson', is written over a horizontal line. The signature is fluid and cursive.

Laws Lawson
Chairman
Fisheries Inshore New Zealand