

FISHERIES NEW ZEALAND DISCUSSION PAPER 2019/02

SUBMITTER DETAILS

FULL NAME: Environmental Defence Society Incorporated
ADDRESS FOR SERVICE: PO Box 91736, Victoria Street West, Auckland 1142
CONTACT: Raewyn Peart
TELEPHONE: 021613379
EMAIL: raewyn@eds.org.nz

1 Introduction

1.1 This is a submission on the Fisheries New Zealand (Fisheries NZ) Discussion Paper No 2019/02

1.2 EDS is a not-for-profit, non-government national environmental organisation. It was established in 1971 with the objective of bringing together the disciplines of law, science, and planning in order to promote better environmental outcomes in resource management. It has recently undertaken an in-depth study into the operation of the fisheries management system, with a focus on inshore stocks. The study included 60 interviews with people directly involved with fisheries management in New Zealand and was recently published under the title: *Voices from the Sea: Managing New Zealand's Fisheries*.

2 Overall comments

2.1 EDS finds the ambition of this document underwhelming. Given the seriousness of the systemic problems facing the fisheries management system, as described in *Voices from the Sea*, this piecemeal and minimal response is unlikely to make a significant difference to current poor fisheries outcomes. It raises serious questions as to whether the fisheries management system is able to fix itself from within and, in our view, considerably strengthens the case for an independent review of the entire system as sought by EDS.

3 Amending rules on landings and returns

3.1 EDS agrees that rules for returning fish to sea should be clear, easy to comply with and set the right incentives. In particular, they should strongly discourage the harvest of juvenile fish, which is wasteful and needlessly reduces the stock size in future years and thereby the size of future allowable commercial and recreational catches.

3.2 The key reasons that juvenile fish are being caught by commercial fishers is that they are using indiscriminate gear and/or methods that cannot clearly target harvestable size fish and/or they are fishing in areas where groups of juvenile fish are present, such as fish nursery areas. New rules should be designed to strongly discourage such undesirable practices. For example, different mesh sizes and configurations can significantly reduce the catch of juvenile fish in trawl fisheries but they are not generally utilised. The use of trawl

nets more broadly is a less targeted method than, say long-lining, where the size of the hook can target adult fish. Trawling in nursery areas should be avoided. Strong rules will help to incentivise the industry to transition to more modern, and less environmentally damaging, fishing practices.

- 3.3 EDS submits that all juvenile fish should be landed as a legal requirement so the extent of the problem of juvenile harvest is known. Small fish are favoured in some markets so this requirement, in itself, will not necessarily act as a disincentive to juvenile harvest. It needs to be accompanied by a cap on the proportion of total harvest that can consist of juveniles and a penalty system where two or three times the normal annual catch entitlement (ACE) is required to cover juvenile catch.
- 3.4 Such requirements are likely to incentivise illegal dumping of juvenile fish, and this is why measures in this area are unlikely to prove effective without electronic monitoring being present on vessels. For this reason, electronic monitoring needs to be progressed as a matter of urgency, and at the same time as other landing requirement changes. Otherwise changes could be counter-productive.

4 Offences and penalties

- 4.1 EDS supports the development of a more nuanced penalty system. However, we would note that it would require a fundamental change in the current approach to addressing offending in the commercial fishing sector, which we understand is currently based on a small enforcement effort coupled with the imposition of high penalties if illegal activity is detected. This is designed to act as a disincentive to offending in the absence of an effective surveillance regime. Therefore, in the current system, illegal activity has a small likelihood of being detected, but when it is, there is a high penalty imposed.
- 4.2 The difficulty in detecting illegal activity is largely due to the fact that most inshore fishing activity takes place without any surveillance. It is very difficult to know what is happening on fishing boats at sea due to the very low observer coverage and lack of electronic surveillance. Although there is some merit in the proposals in the discussion document, we consider them to be premature. They need to be considered alongside a programme to introduce electronic surveillance so that two policies can be designed in tandem. Otherwise a reduction in penalties, without an increase in surveillance so that the risk of being caught increases, will likely result in weaker disincentives being in place for breaching fisheries regulations

5 Streamlining decision-making process for setting catch limits

- 5.1 We agree with the analysis that adjustments to catch limits are infrequent. The main reason for this, as described in *Voices from the Sea*, is the lack of good information about the state of stocks on which decisions can be made. This proposal does not seek to address this fundamental issue, which urgently needs a response.
- 5.2 Harvest control rules (HCR) can only work well when there is sufficiently robust information on which they can be based. This is because they effectively set up an automatic adjustment mechanism that operates in the absence of full oversight. Sufficient information to apply

HCR with confidence is not available for the majority of inshore species and so EDS supports the suggestion that the tool should not be used for inshore stocks.

- 5.3 EDS is disappointed to see the incomplete and one-sided description of the application of HCR to New Zealand rock lobster fisheries that Fisheries NZ has presented on page 21. As Fisheries NZ is aware, the application of HCR to the CRA2 fishery has been problematic, and resulted in the fishery being severely overfished. The omission of this highly relevant piece of information in the document is concerning, particularly as the establishment of Fisheries NZ was supposed to represent a 'fresh start' in fisheries management and a shift from the previous regime which was widely considered to be captured by the industry. Fisheries NZ needs to be more transparent, open and rigorous in its policy analysis. Ignoring previous experience in a selective way is the antithesis of that approach.

6 Technical fisheries management changes

- 6.1 EDS supports the intent to obtain better estimates of other sources of fishing mortality but emphasises that this will only reliably be known once electronic surveillance is present on fishing vessels. We encourage Fisheries NZ to expedite the electronic surveillance programme.

Submitted 16 March 2019