



What's wrong with the Fisheries Amendment Bill

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Fisheries managed under Quota Management System since 1986

- Divides fish into 'stocks' (a single species within a specified quota management area)
- Caps harvest of each stock (TAC and TACC)
- Mechanisms to help ensure cap not breached (deemed values, discard rules, observers etc)

Voices from the Sea

EDS investigation
into the fisheries
management
system (2018)

www.eds.org.nz

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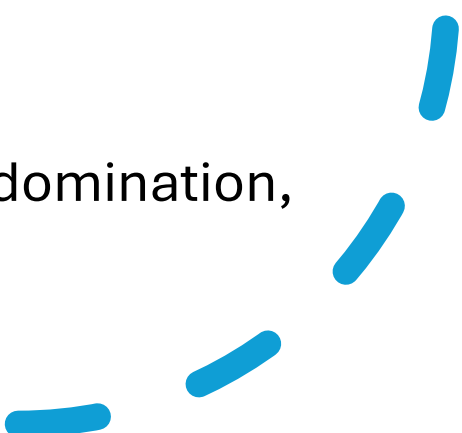


MANAGING NEW ZEALAND'S FISHERIES

Raewyn Peart

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Investigation found many problems

- Lack of investment in science
 - Lengthy decision-making processes
 - Lack of alignment between biological stocks and quota management areas
 - Single stock management approach applied to mixed stocks
 - Poor management of environmental impacts
 - Lack of integrated ecosystem-based management
 - No statutory national policies and weak fish plan provisions
 - Poor conflict resolution processes
 - Aggregation of quota leading to market domination, rent-seeking and lack of innovation
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- Four blue curved lines of varying lengths and orientations, located in the bottom right corner of the slide.

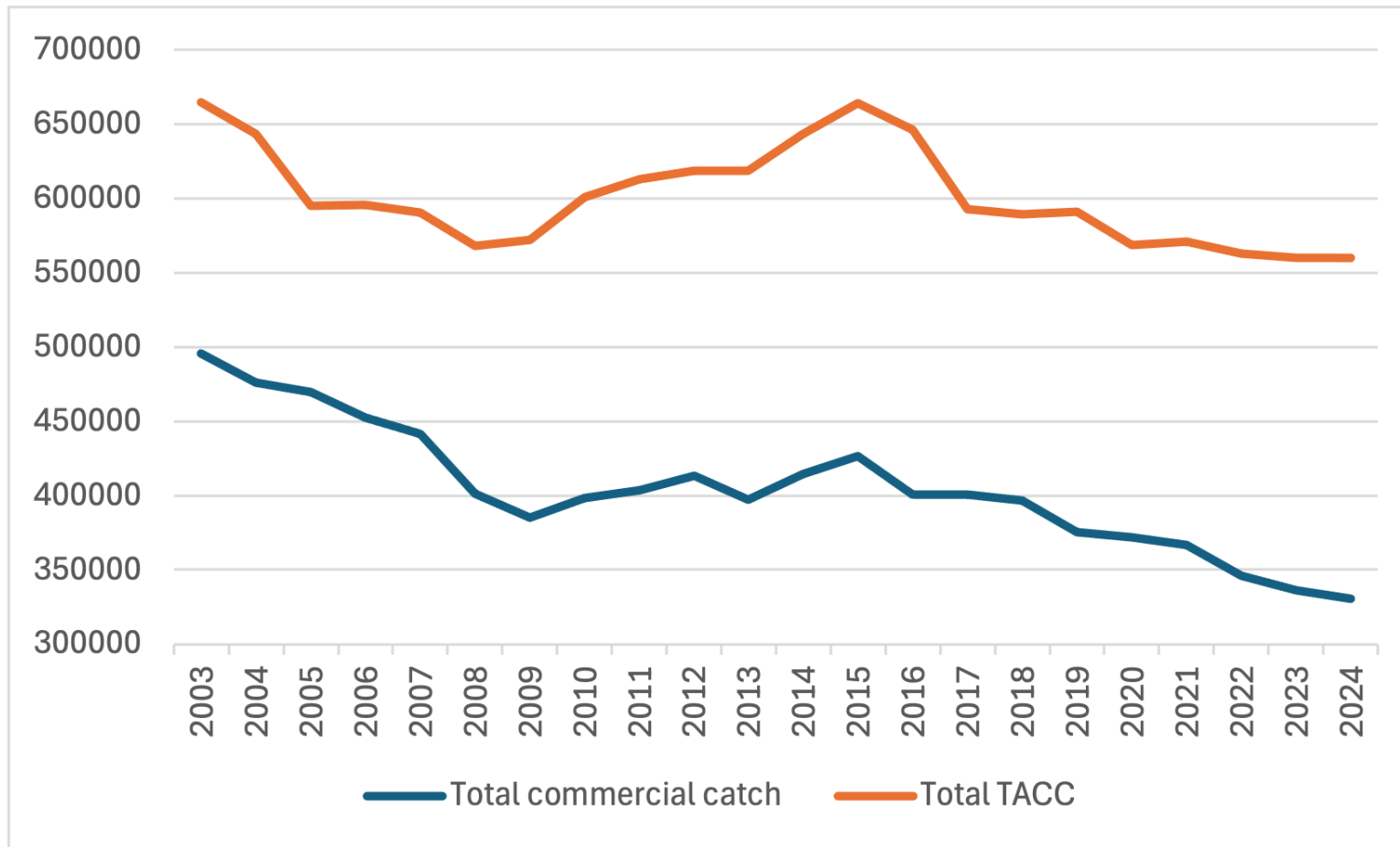
Voices from the Sea concluded

The QMS is not fit for purpose. It is not serving to ensure:

- Sustainable fish stocks
- A healthy marine environment
- Best economic value from fish



Poor QMS performance highlighted by declining harvest and widening gap with TACC



The Bill
does little
to address
these
problems
and makes
some worse

Fisheries Amendment Bill

Government Bill
265—1

Explanatory note

General policy statement

This Bill amends the Fisheries Act 1996 (the **Act**). The Bill is intended to deliver on Government priorities to grow the value of seafood sector exports while continuing to ensure sustainability. It will achieve this objective by improving the responsiveness, certainty, and efficiency of the fisheries management system.

The Bill addresses Government concerns that key processes, such as for setting catch limits, are overly rigid and resource-intensive, limiting opportunities for sustainable utilisation and the seafood sector's ability to adapt to changing conditions.

Recent judicial consideration of catch limit decisions has highlighted uncertainty about the scope and legislative intent of those decisions within the fisheries management framework. The Bill responds by clarifying the legislative intent to improve certainty, transparency, and efficiency in decision-making.

Furthermore, the Bill intends to address concerns about private and commercially sensitive footage from cameras on boats and give fishers more options about what to do with their catch by allowing commercial fishers to return species that are subject to the quota management system (the **QMS**) to the sea when monitored by on-board cameras or observers.

The Bill is designed to deliver on its objectives by—

- improving responsiveness and flexibility in the fisheries management system; and
- clarifying the role of catch limits within the fisheries management system, including the matters relevant to their setting; and
- providing greater certainty about time frames for judicial review; and
- enhancing protection of on-board camera footage; and
- implementing new rules for commercial fishers that set out when fish managed under the QMS must be landed and when they can be returned to the sea; and
- adding flexibility to how deemed value rates for QMS stocks can be set.

TAC setting based on 'maximum sustainable yield' at heart of QMS

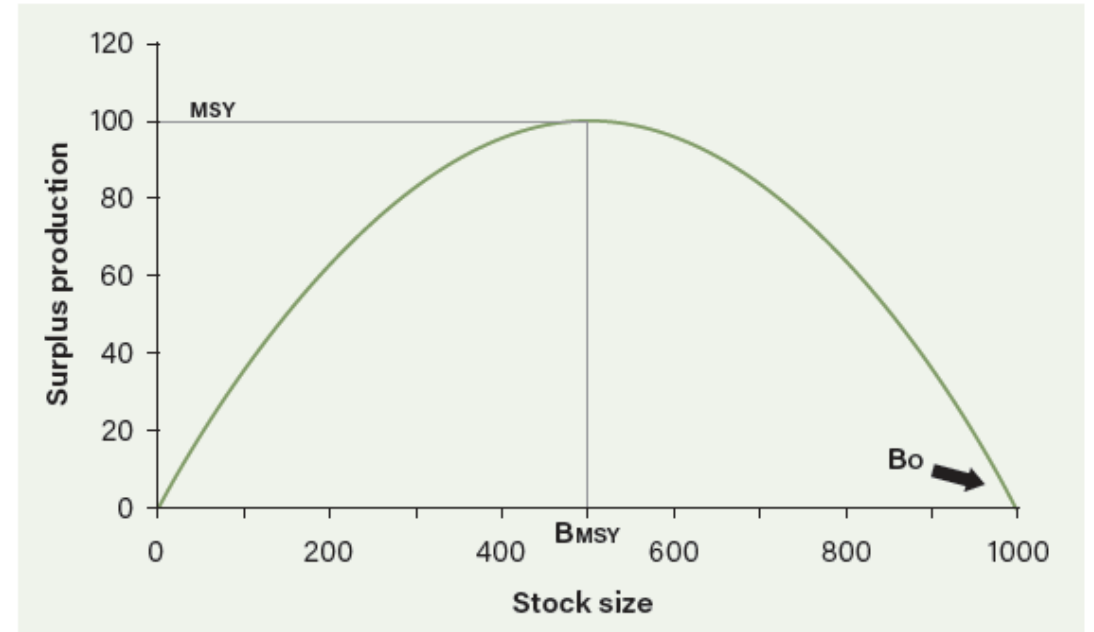
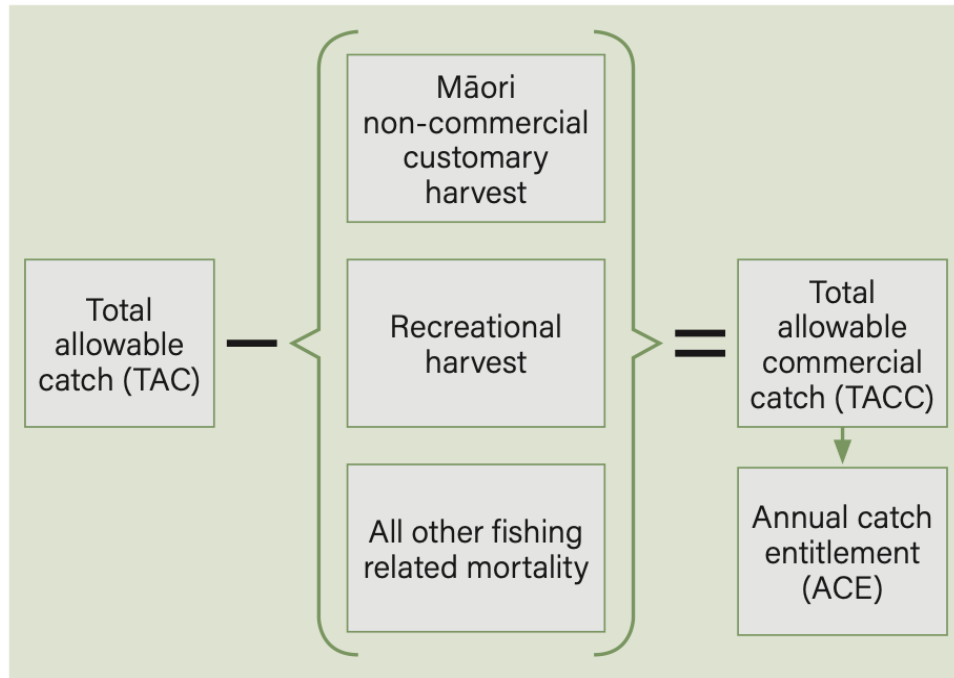


Figure 3.1: Schaefer curve

MSY based on many assumptions...

Stocks reproduce
at same rate each
year

Only variable
impacting stock
size is harvest

Stocks are
independent

Age/size
distribution does
not matter

Removing species
does not impact
ecosystems

How fish are
harvested does not
matter

There is enough
information to be
able to reliably
determine MSY

Applying a static
target to a complex,
dynamic biological
system will work!

Much of the Bill is about making TAC-setting more agile, but at the expense of effectiveness

In particular, changes to:

- Purpose
- Decision-making criteria
- Multi-year settings
- Management procedures (automatic adjustments)
- Taking into account voluntary measures



Setting TAC requires much information (which we generally lack)

- Current size of stock
- Age structure
- Reproduction rate (maturation, egg production, juvenile survival, growth rates, life-span)
- **Future impact of habitat degradation and climate change**



We lack information to set TAC as low and decreasing investment in fisheries science

- Insufficient evidence to assess over 60% of harvested stocks
- Cost of research levied on quota owners which incentivizes driving down research investment (as increases their bottom line)
- Charged at individual stock level so smaller stocks and those of less economic value not researched
- **The Bill does nothing to address this**



As a result, many stocks have few (if any) TAC adjustments

Stock	Introduction to QMS	Last TACC Change	Years since last TACC change (up to 2023-24)
Snapper (SNA 1)	1986-87	1997-98	26
Jack mackerels (JMA 1)	1986-87	1994-95	29
Pilchard (PIL 1)	2002-03	2002-03	21
Kahawai (KAH 1)	2004-05	2005-07	18
Kingfish (KIN 1)	2003-04	2003-04	20
Trevally (TRE 1)	1986-87	1988-89	35
Leatherjacket (LEA 1)	2003-04	2003-04	20
Rig (SPO 1)	1986-87	1997-98	26
Barracouta (BAR 1)	1986-87	1996-97	27

Reviews of TAC

- Currently no requirement to review stock
- Only 20-30 stocks reviewed each year (out of 402)
- **Needs to be mandatory review of each stock at least every 10 years**





Bill introduces new
narrowed purpose
for TAC-setting

“to manage the effect of fishing on the **abundance** of quota management stocks at the **level of** the quota management area”

Excludes effects of fishing on things other than abundance

Excludes addressing localized depletion

TAC decision-making based on new 'standard factors'

1. If other quota management stocks are likely to be taken at the same time as the specified stock, the effects of the taking of the specified stock on those **other stocks**
2. The adverse effects (if any) of the taking of the specified stock on the **stock's ability to fulfil its role as a predator or prey of other species**, **but** only to the extent that the adverse effects are relevant to determining the appropriate **abundance** of the stock at the **level of the quota management area**
3. The environmental conditions (including environmental conditions caused by the effects of **climate change**) that affect the specified stock
4. **The social, cultural, and economic factors that the Minister considers relevant...**

Existing environmental provisions in Act explicitly excluded from consideration

PURPOSE OF ACT

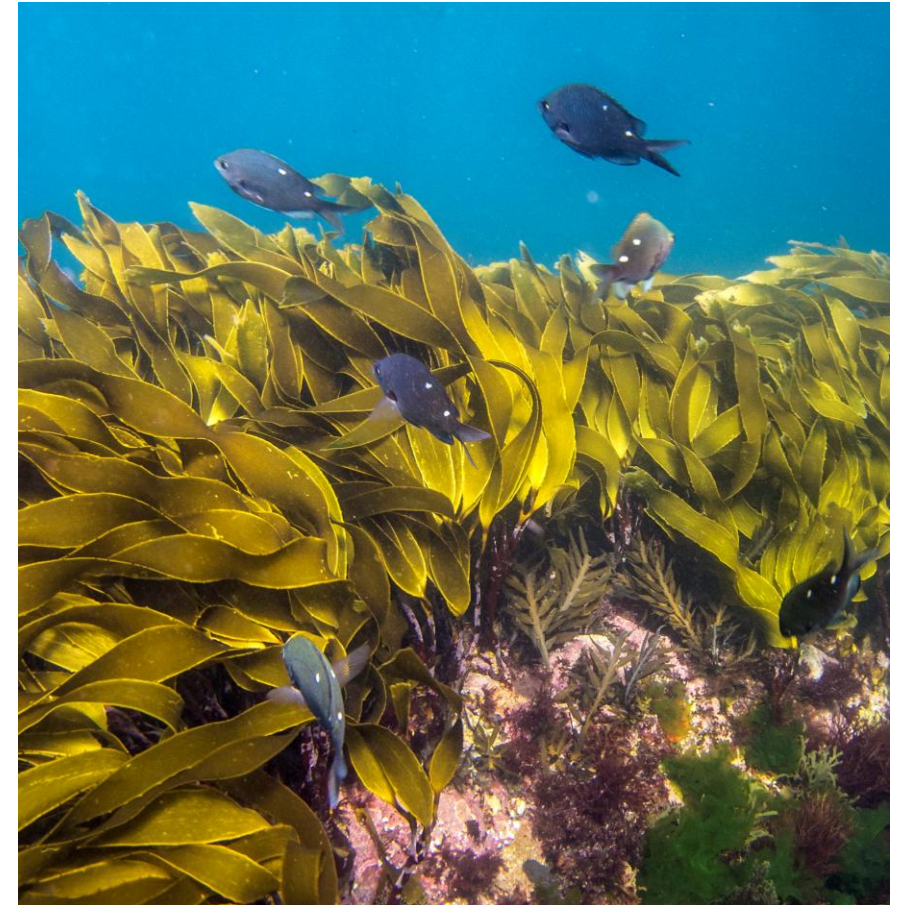
Provide for the utilisation of fisheries resources while **ensuring sustainability**

Sustainability includes “**avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment**”

ENVIRONMENTAL PRINCIPLES

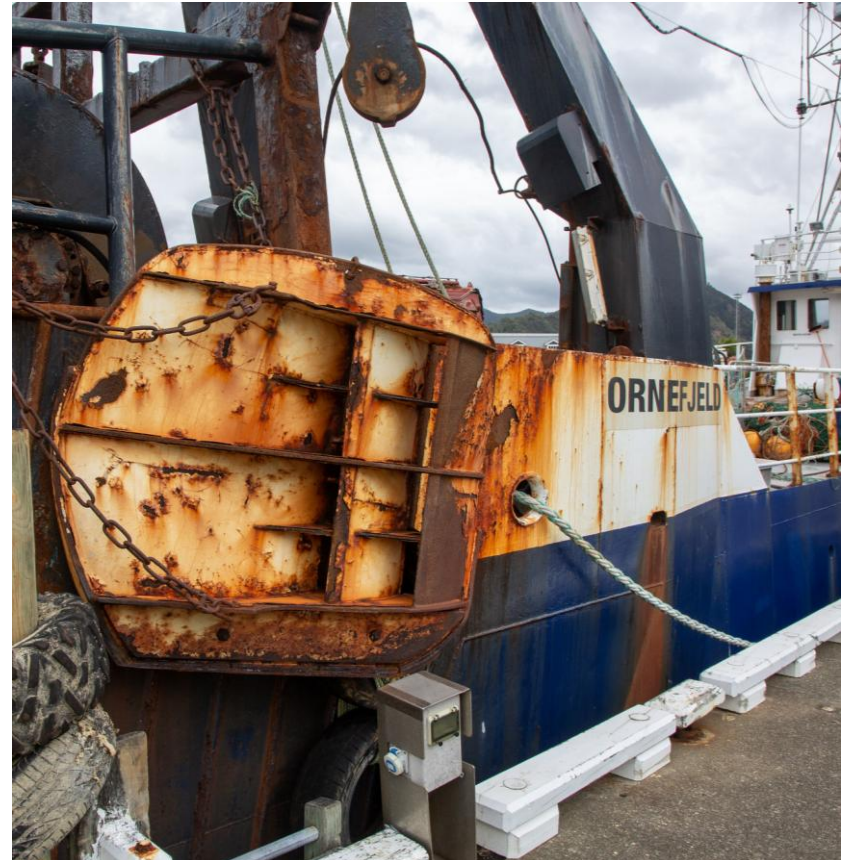
All persons exercising or performing functions, duties, or powers under this Act ... **shall take into account** the following environmental principles:

- (a) **associated or dependent species** should be maintained above a level that ensures their long-term viability:
- (b) **biological diversity** of the aquatic environment should be maintained:
- (c) **habitat** of particular significance for fisheries management should be protected.



Impact of changed TAC-setting criteria

- Social, cultural and economic factors can outweigh bio-physical factors (particularly when there is poor information)
- Minister's discretion much widened
- Environmental impacts of harvesting activity largely excluded from consideration
- **OVERALL**, it **increases risk** to our fish stocks and the marine environment and **reduces accountability**



Multi-year TAC setting

- Minister can pre-set a variable TAC for up to 5 years.
- This could have a ramp up a TAC over that time-period
- No criteria provided as to when this might be appropriate
- EDS submits should only be used where:
 - a) Good information on stock
 - b) Stock status is tracked over the time-period



Management procedures

- Set automatic triggers for a TAC/TACC change avoiding lengthy TAC-review processes
- Simplify the (complex) relationship between harvesting and stock status
- In principle okay, but have gone badly wrong in the past (rock lobster, scallops)
- Bill lacks sufficient criteria and checks and balances
- Should only be used for high information stocks
- Need regular independent review of their operation
- Need to be automatically revoked if not meeting the (stock status) objective



Non-regulatory measures

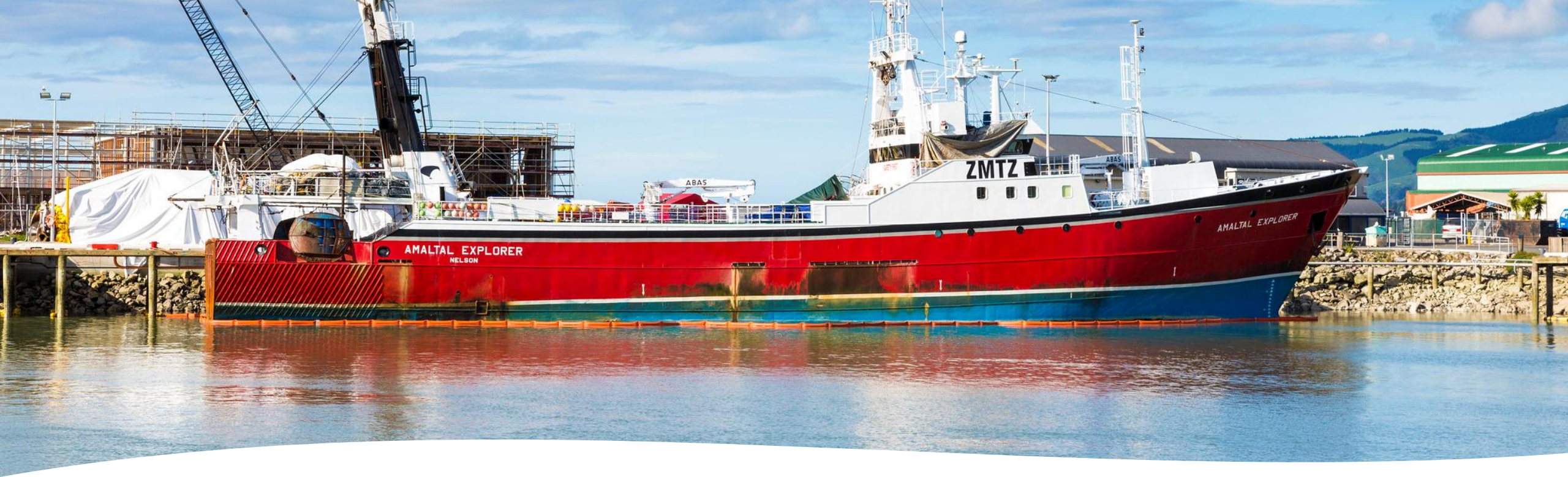
- Include shelving ACE, move-on rules, spatial management of harvesting etc
- Are developed by industry (so can lack robustness) and are unenforceable
- Bill enables Minister to 'have regard to' voluntary measures when setting TAC
- EDS opposes this as no certainty they will be applied or serve to meet the management objective



ACE carry over

- Currently up to 10% of unfished ACE can be carried over
- Bill enables unlimited amount if 75% of quota owners agree and other criteria met
- Designed for 'exceptional circumstances' such as an earthquake or weather event
- Would put further pressures a marine environment already stressed by land movement or adverse weather (eg sediment and slash flows)





Alternative deemed value rates

- Deemed values penalize fishers who catch more than they have ACE cover for
- Designed to incentivise landing of excess QMS fish (so set between ACE price and market price)
- Bill seeks to lower deemed value rates for deepwater freezer trawlers that catch inshore species (like snapper) as their frozen catch is worth less
- Inshore fleet sell fresh fish at higher prices
- Prioritises a lower value catch at the expense of inshore fleet

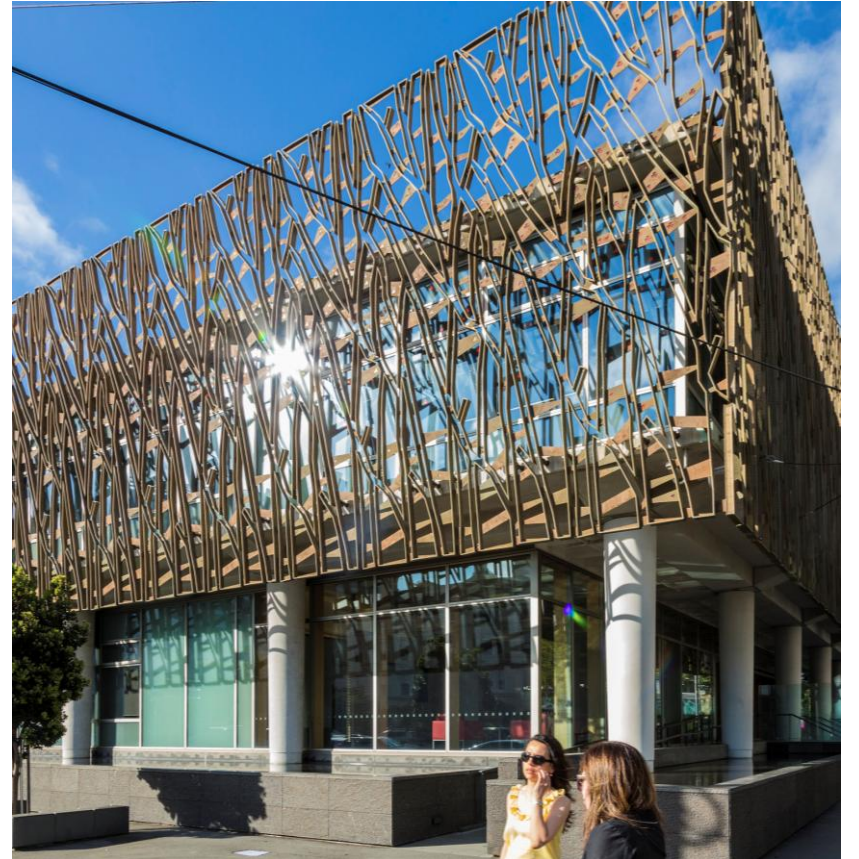
Confidentiality of camera recordings

- Bill carves out camera recordings from Official Information Act
- No justification as OIA protects personal privacy and commercial confidentiality
- No evidence OIA is not currently working
- Constitutional issue as OIA fundamental to accountable government



Time limit for judicial review

- No appeal rights under the Fisheries Act
- Judicial review only way to challenge Ministerial decision-making
- Currently no time limit for lodgement of proceedings
- Bill seeks to restrict it to 20 working days
- Unreasonable time-limit and arguably a breach of human right of access to justice (BORA)
- Apparent intent to reduce number of proceedings lodged



Discard rules

- Move to landing all catch under 2022 amendments
- Designed to reduce waste and incentivize market development for less popular species
- Bill moves away from this to allow discards if monitored and covered by ACE
- Weakens incentive to avoid catching low value fish (where there is excess ACE) and enables high-grading



What needs to happen

- Withdraw or vote down the Bill
- Establish an Independent Inquiry into the fisheries management system
- Inquiry to design a package of reforms which actually fix the system



EDS reviewing fisheries management system

- Revisiting 2018 review, including deepwater
- Interviewing fishers, scientists and others involved in the fisheries management system
- Please contact Raewyn Peart at EDS (raewyn@eds.org.nz) if you would like to be involved in the project

