

Ian Steele
President
NZ Sport Fishing Council
PO Box 54242, The
Marina, Half Moon Bay,
Auckland 2144
secretary@nzsportfishing.org.nz



Fisheries New Zealand
FMSubmissions@mpi.govt.nz



29 July 2024

Submission: Review of sustainability measures for kingfish (KIN 3) for 2024/25

Recommendations

1. **The Minister** requires set net fishers and trawler operators in KIN 3 to transition to more selective fishing methods, and based on this transition we recommend the Minister supports Option 2 and sets the Total Allowable Catch as follows –
 - a. Increases the Total Allowable Catch from 23 to 33 tonnes.
 - b. Retains the allowance set aside for Māori customary interests at 4 tonnes.
 - c. Increases the allowance set aside for recreational interests from 6 to 10 tonnes.
 - d. Increases the allowance set aside for All Other Mortality from 2 to 3 tonnes.
 - e. Increases the Total Allowable Commercial Catch from 11 to 16 tonnes.

The submitters

2. The New Zealand Sport Fishing Council (**NZSFC**) is a recognised national sports organisation with over 37,000 affiliated members from 48 clubs nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. legasea.co.nz.
3. The New Zealand Angling and Casting Association (**NZACA**) is the representative body for its 24 member clubs throughout the country. The Association promotes recreational fishing and the camaraderie of enjoying the activity with fellow fishers. The NZACA is committed to protecting fish stocks and representing its members' right to fish.

4. The New Zealand Underwater Association comprises three distinct user groups including Spearfishing NZ, affiliated scuba clubs throughout the country and Underwater Hockey NZ. Through our membership we are acutely aware that the depletion of inshore fish stocks has impacted on the marine environment and the wellbeing of many of our members.
5. Collectively we are '*the submitters*'. The joint submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations..." [s8(2)(a) Fisheries Act 1996].
6. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contact is Helen Pastor, secretary@nzsportfishing.org.nz.

Fisheries New Zealand's proposals

7. Fisheries New Zealand (**FNZ**) has released a Discussion Document proposing changes to the Total Allowable Catch (**TAC**), Total Allowable Commercial Catch (**TACC**) and allowance for Recreational and All other mortality caused by fishing for kingfish in KIN 3 (**Table 1**).

Table 1: Proposed management options (in tonnes) for KIN 3 from 1 October 2024.

Option	TAC	TACC	Allowances		
			Customary Māori	Recreational	All other mortality caused by fishing
Option 1 (<i>Status quo</i>)	23	11	4	6	2
Option 2	33 (↑ 10)	16 (↑ 5)	4	10 (↑ 4)	3.0 (↑ 1)
Option 3	37.5 (↑ 14.5)	20 (↑ 9)	4	10 (↑ 4)	3.5 (↑ 1.5)

Consultation

8. On 27 June 2024 Fisheries New Zealand (**FNZ**) released the [Discussion Paper: 2024/23](#), seeking to review the Total Allowable Catch, Total Allowable Commercial Catch, Recreational allowance and Other Mortality allowance for Kingfish 3. Submissions are due by 29 July 2024. The NZSFC released a Preliminary View for [Kingfish 3](#) on 15 July requesting feedback prior to developing a submission.
9. **The submitters** appreciate the opportunity to submit on the proposal, however we object to the unreasonable timeframe available to respond to this proposal and those for 19 other fish stocks.

10. The 21 working days submission period is inadequate and likely unlawful given the Court of Appeal Wellington Airport judgment determining that, “**Consultation must allow sufficient time**, and a genuine effort must be made. It is a reality not a charade...Implicit in the concept is a requirement that the party consulted will be (or will be made) adequately informed so as to be able to make intelligent and useful responses”¹. [emphasis added]

Background

11. Kingfish is highly valued by non-commercial fishers for eating and as a challenging target species. They form a valuable component of the charter boat business with clients travelling from around New Zealand and from around the world. Commercially, kingfish are taken as non-target catch by setnet, bottom trawl and midwater trawl fisheries.

12. Kingfish was introduced to the Quota Management System (QMS) in 2003 to manage commercial catches to non-target levels only, in recognition of the value of kingfish to non-commercial fishers.

13. Kingfish are predominantly found around the northern half of the North Island; however, they have become more common in commercial and non-commercial catches around the South Island.

14. The abundance of kingfish in Kingfish 3 (KIN 3) has been increasing over the last five years (Figure 1). FNZ outline in their proposal document that the increase in abundance is potentially due to a natural range expansion from healthy fish stocks on the West Coast and further north. Yearly increases in average sea surface temperature (SST) have likely made southern regions more habitable, though schools of kingfish have been present in Fiordland’s Sounds for many years².

15. To date, there has been two reviews of the KIN 3 Total Allowable Catch (TAC) since kingfish was introduced into the QMS. Past increases have been in response to higher catches of kingfish as bycatch. The current TAC is 23 tonnes, consisting of an 11 tonne Total Allowable Commercial Catch (TACC), Māori customary allowance of 4 tonnes, 6 tonnes set aside for the Recreational allowance and 2 tonnes for Other Mortality.

16. The recreational daily bag limit is 3 kingfish per person and the minimum legal size (MLS) for recreational fishers is 75 cm. However, some charter operators and gamefish clubs have

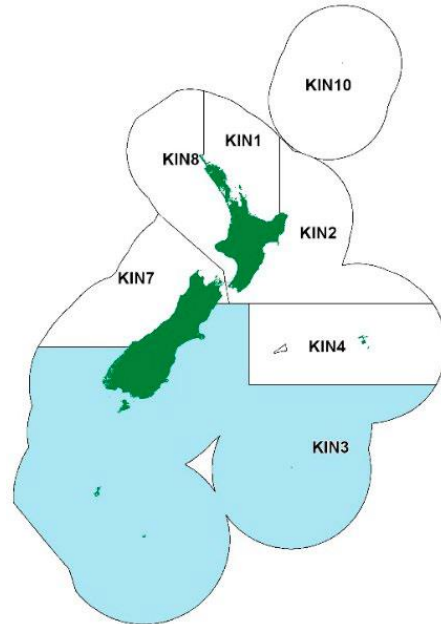


Figure 1. Kingfish Quota Management Areas in New Zealand. Kingfish 3 (KIN 3) is highlighted in blue.

¹ Wellington International Airport Limited and others v Air New Zealand [1993] 1 NZLR 671. At [p.675].

² Review of Sustainability Measures for kingfish (KIN 3) for 2024/54. Fisheries New Zealand. Discussion Paper. At [24]

voluntarily adopted an MLS of 100 cm and daily limit of one kingfish. The commercial MLS is 65 cm.

17. The status of the kingfish population in KIN 3 is unknown as there is insufficient information to estimate stock status and it is unknown whether overfishing is occurring³. Available abundance estimates are from changes in bottom and midwater trawl catch per unit effort (CPUE).

Discussion

18. FNZ advise their proposal to increase the kingfish TAC is due to a growing abundance of kingfish in the southern regions of New Zealand⁴. Kingfish bycatch in commercial fisheries is increasing and more recreational fishers have reported targeting kingfish from Kaikōura and around Banks Peninsula. There is some evidence that the increased kingfish catch is seasonal, mainly during warmer months when this area is more habitable.
19. There is no formal assessment of stock status for KIN 3. Landed and reported released catch has been increasing over the last six years. The plot of trawl CPUE in KIN 3 provided by FNZ in their proposal document is misleading without an adequate explanation. It shows a huge increase in catch rate since 2018⁵. What is not shown is the actual average catch per trawl tow which is much less than in North Island fisheries. So yes, trawl catches or reporting has increased, however, it has increased from an extremely low baseline and catch in kilos per trawl tow in KIN 3 is much less than the other fisheries shown in that plot.
20. In the current fishing year, October 2023 to April 2024, commercial fishers have reported 24 tonnes of kingfish with six months of the fishing year to go. Of the 24 t, 12 t have not been landed but returned to sea under section 72A of the Fisheries Act (**the Act**).
21. Under section 72A of the Act, commercial fishers are permitted to return live legal-size kingfish in accordance with the Fisheries (Landing and Discard Exceptions) Notice, only if the fish is likely to survive on return and the return takes place as soon as practicable. This excludes kingfish caught by set net. All commercially caught kingfish under the commercial MLS of 65 cm are required to be returned to sea, dead or alive.
22. As the majority (55%) of kingfish in KIN 3 is taken using set nets, most fishers will be unable to release live kingfish under section 72A provisions as they are unlikely to survive. FNZ has noted in their proposal document that catches regularly exceed the available Annual Catch Entitlements (**ACE**) resulting in annual deemed value invoices of up to \$5000 for an individual fisher⁶.

³ Fisheries Assessment Plenary – Volume 3: Red Gurnard to Yellow-eyed mullet. May 2024. Fisheries New Zealand. At [p.791]

⁴ Review of Sustainability Measures for kingfish (KIN 3) for 2024/54. Fisheries New Zealand. Discussion Paper. At [4]

⁵ At [p.5]

⁶ Review of Sustainability Measures for kingfish (KIN 3) for 2024/54. Fisheries New Zealand. Discussion Paper. At [p.3]

23. We recognise that high deemed value invoices will be having an economic impact on individual fishers and natural range expansions of species are unavoidable. However, modest TACC are needed to retain the incentive to release kingfish that are likely to survive and to discourage targeting by commercial set net fishers, which was a major problem in KIN 1 and KIN 2 in the 1990s.
24. The problem is being misdiagnosed. It is not a problem of increasing kingfish abundance. The real issue is poor selectivity due to the harvesting methods used i.e. set nets. And until fisher's transition to using more selective fishing techniques, the problem will continue as kingfish abundance and availability increases.
25. To add to the concerns, is that much of the fleet catching and potentially releasing kingfish do not have onboard monitoring cameras. Given the low rates of observer coverage and camera monitoring, there is no assurance that the kingfish that are being released are in good condition and able to survive and thrive.
26. In a separate [proposal paper](#), FNZ are proposing to increase the TACC for Jack mackerel on the west coast of New Zealand (JMA 7). Catch increases in this stock will inevitably result in higher catches of kingfish caught as bycatch. Depending on the amount of movement from the west coast kingfish stock (KIN 7 and KIN 8) to KIN 3, an increase in JMA 7 catch may impact KIN 3 abundance. **The Minister must require FNZ to monitor the abundance of the KIN 3 stock and review as necessary.**
27. The TACC for KIN 3 has already been increased twice in less than 10 years and landings have exceeded the TACC every year since 2015-16. The TACC has not acted as a constraint and there has minimal effort to innovate and use more selective fishing techniques. The issue at hand is that kingfish is a bycatch species, and many fish caught are not able to be returned to sea due to low survival rate because of the fishing method utilised and the rollout of cameras on boats.
28. If fishers want to avoid deemed value payments they have two choices: release fish dead or alive back to sea, or transition to more selective fishing techniques. **We recommend** a transition to lower impact, selective fishing method, enabling fishers to have a high chance of returning kingfish live.
29. On the condition that there is a commitment to transition set net and trawl fishers to more selective fishing methods, **we recommend the Minister** supports Option 2: Increase the TAC by 10 tonnes to 33 t. Increase the TACC from 11 t to 16 t. Retain the Māori customary allowance at 4 tonnes, set aside 10 tonnes for Recreational interests and increase the allowance set aside for Other Mortality from 2 t to 3 tonnes.