

# Analysis of Fisheries Amendment Bill proposal

September 2022



## Background

In November 2021 the Government released the [Fisheries Amendment Bill](#) seeking to change rules and practices related to commercial fishing by:

1. Supporting the roll-out of cameras aboard commercial fishing vessels;
2. Enabling a land-all catch policy (with exceptions);
3. Introducing a graduated penalty regime to encourage compliance;
4. Enabling recreational rules to be changed via notice rather than regulation to enable decisions to be implemented much quicker; and
5. Introducing pre-set decision rules to hasten decision-making for setting and adjusting catch settings and management controls.

Submissions were due with Fisheries New Zealand (FNZ) by 17 June 2022.

## Response to proposal

Initially, recreational advocates were not concerned with the Bill because:

1. It was presented as a means to [enable cameras](#) onboard commercial vessels;
2. It was a continuation of the [2016 discussions](#) around land-all catch;
3. The pre-set decision rules and the proposed changes to recreational controls were not well advertised, and their [potential to undermine fish stock sustainability](#) were not well understood.

After further review of the Bill and the threats posed by enactment, the New Zealand Sport Fishing Council Fisheries Management Standing Committee committed in May 2022 to fulsomely respond to the proposals. A [submission](#) was drafted, circulated for comment and finalised before it was sent to FNZ on 17 June 2022.

Five representatives were invited to speak at a July hearing with the [Primary Production Select Committee](#) considering the Bill. The Committee was urged to reject the Bill because it undermines the sustainability provisions in the current Act. Alternatively, split the Bill into two parts to progress the camera installation while allowing for wider public consultation on the aspects of sustainability and how pre-set decision rules will enable proportional allocation. [LegaSea campaigned](#) on the Bill and generated another 6400 submitters in support of this action.

## What next

We expect the Select Committee will send the Bill back to Parliament on 20 September. The Minister of Oceans and Fisheries, David Parker, is then due to decide whether to proceed with provisions in the Bill or split the provisions into separate Bills.

## Analysis of specific aspects of the Bill

Proposal in Bill	What it means	Our response
<p>Amend the rules to specify that all commercial catch of QMS fish species must be landed except for a long list of exemptions.</p>	<ul style="list-style-type: none"> <li>● Minister can issue exemptions that allow some species to be returned to the sea.</li> <li>● Non-QMS can still be discarded.</li> <li>● A 4-year transition period (to Oct 2026) for exemptions, to enable fishers to change their fishing practices.</li> <li>● Repeal Schedule 6 (allowing specific species, including kingfish, to be returned to the sea if alive and likely to survive) and replace it with the new s72A that creates a plethora of new non specified instruments that will enable discarding of unwanted catch.</li> </ul>	<ul style="list-style-type: none"> <li>● <b>The list of exemptions make the term ‘land all catch’ a misnomer.</b></li> <li>● If the system relies on self-reporting of catch then the Licensed Fish Receiver must accept all catch, with just a few exceptions for endangered or vulnerable species.</li> <li>● Exemptions for the live release of important species such as kingfish and rock lobster from commercial vessels must be allowed where there is evidence that a high proportion survive.</li> <li>● Proposal creates more loopholes for releasing fish without addressing the fishing techniques responsible for poor selectivity and the economic drivers leading to fish wastage.</li> <li>● To generate real change it must be economical for the fisher to land all catches.</li> </ul>
<p>Create a graduated offence &amp; penalty regime for illegal discarding of fish.</p>	<ul style="list-style-type: none"> <li>● Infringement notices will be issued for low level breaches of landing and discard rules.</li> <li>● Needed for the practical implementation of onboard cameras.</li> </ul>	<ul style="list-style-type: none"> <li>● New regime must support a change in fishing practices and behaviour, to avoid unwanted catch and so fewer fish are wasted.</li> <li>● To be successful, the economic drivers leading to fish dumping must change.</li> </ul>
<p>Technical amendments to support the use of new technology and onboard cameras, and cost recovery terms.</p>	<ul style="list-style-type: none"> <li>● Limit illegal practices by using onboard cameras to validate self-reported catch returns and ensure compliance with discard regulations.</li> <li>● Industry to contribute around \$10 million to the estimated \$70M cost of the programme.</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Support.</b> Cameras must be of sufficient quality to monitor species caught or discarded.</li> <li>● Concerned about quality, in early trials on-deck cameras could not verify species or bin weights.</li> <li>● Most vessels must be fitted with cameras directly over a conveyor or fish table recording all catches with AI recording of species and fish sizes.</li> </ul>

Proposal in Bill	What it means	Our response
<p>Establish pre-set decision rules to enable faster decisions on catch limits or sustainability measures.</p>	<ul style="list-style-type: none"> <li>● Using a formula to calculate annual commercial catch settings and recreational fishing rules.</li> <li>● No indication of criteria, parameters or timeframes that will apply.</li> <li>● Preset rules remove the Minister from sustainability processes.</li> <li>● Future catch settings are decided by the rule, not by a stock assessment with options presented to the Minister.</li> <li>● No account taken of associated or vulnerable species, or ecosystem needs.</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Opposed</b> because sustainability cannot be ensured without applying Ministerial discretion.</li> <li>● Proposal embeds single species decisions at a time when the government claims to be advancing ecosystem management.</li> <li>● Under preset decision rules the only choice available is to follow the rule or not.</li> <li>● It is specious to claim the Minister will still make the decision - the decision was made at the implementation of the rule.</li> <li>● Previous precautionary Ministerial decisions have saved fish stocks from collapse and overfishing.</li> <li>● Where commercial catch rates are used to trigger decisions there is a powerful incentive to increase fishing power so quota holders can be allocated more fish.</li> <li>● Leads to the introduction of proportional allocation of the Total Allowable Catch (TAC) between sector groups.</li> </ul>
<p>Enable recreational rules to be changed via notice rather than regulation so decision rules can be quickly implemented.</p>	<ul style="list-style-type: none"> <li>● Use a gazette notice to change recreational controls so changes can be implemented simultaneously with changes to commercial controls.</li> <li>● Forego the statutory process to give effect to recreational controls via a regulation.</li> </ul>	<ul style="list-style-type: none"> <li>● <b>Opposed.</b> Combined with pre-set decision rules, it enables proportional allocation of the TAC with no public input or adequate consultation.</li> <li>● Only needed if the intention is to implement proportional allocation and ignore the public interest.</li> <li>● Current regulation process enables public discussion and education.</li> <li>● Not related to onboard cameras so needs to be consulted on separately.</li> </ul>