

Ministerial Inquiry into use and operation of Foreign Charter Vessels

Terms of Reference

Preamble

This is a Ministerial Inquiry, convened jointly by the Minister of Fisheries and Aquaculture and the Minister of Labour.

The principal objective of the Inquiry is to ensure that the operation of foreign owned and flagged vessels chartered by New Zealand fishing companies supports the following government objectives:

1. Protect New Zealand's international reputation and trade access.
2. Maximise the economic return to New Zealand from our fisheries resources.
3. Ensure acceptable and equitable New Zealand labour standards (including safe working environments) are applied on all fishing vessels operating in New Zealand's fisheries waters within the exclusive economic zone.

If it is demonstrated that these objectives are being undermined then the Inquiry is also tasked with making recommendations relating to policy and legislative amendments and improvements to operational practices.

While the Inquiry will be informed by individual examples and situations, it is not the purpose of this Inquiry to investigate any particular situation or incident. If the Inquiry obtains specific information it believes should be investigated by a relevant authority it will be forwarded to the relevant authority for its consideration. Inclusion of this information in the report to the Minister of Fisheries and Aquaculture and the Minister of Labour will be at the discretion of the Inquiry panel.

It is also not the role of the Inquiry to consider the design and structure of New Zealand's quota management system or the allocation of quota under that system.

Purpose

To inquire into the use and operation of foreign charter vessels in New Zealand's fisheries waters within the Exclusive Economic Zone.

Specifically, the Inquiry is to consider:

- a) The application of New Zealand's legislative regime to the use and operation of fishing vessels, and in particular foreign charter vessels (FCVs), with respect to labour, immigration, maritime safety and fisheries management and the compliance with that regime by such vessels and their operators;
- b) Any international reputation risks associated with the use of FCVs;
- c) Any trade access risks associated with the use of FCVs;

- d) Whether the economic factors supporting the use of FCVs deliver the greatest overall benefit to New Zealand's economy and to quota owners;
- e) Whether acceptable and equitable labour standards (including safe working environments) are, or can be, applied on all fishing vessels operating in New Zealand's fisheries waters within the Exclusive Economic Zone; and
- f) Any other matters that the Inquiry considers relevant.

And to make recommendations on:

- a) What is the role for FCVs in harvesting New Zealand's fisheries resources;
- b) An appropriate policy framework and institutional design, in line with government objectives, for the operation of fishing vessels in New Zealand's fisheries waters in the Exclusive Economic Zone;
- c) The appropriate legal framework that should underpin this regime;
- d) Options for, and the practicability of, monitoring and enforcing adherence to the recommended legislative and policy settings;
- e) Implementing and operationalising recommended changes to policy settings; and
- f) Opportunities to improve delivery of existing policy settings, where appropriate.

Process

The Inquiry will proceed as it thinks fit to obtain relevant information, including expert services, to assist it to examine issues covered by the Inquiry. The Inquiry is not bound by any rules of evidence or by any particular procedure but will conduct its assessment in a fair manner. The Inquiry will invite public submissions and may choose to hear selected submitters. The Inquiry may hold hearings in private for sensitive matters or otherwise as the Inquiry considers appropriate.

The Inquiry will be supported by a Secretariat resourced from within the Ministry of Agriculture and Forestry and the Department of Labour. Resources from other agencies may be provided if necessary.

The Inquiry will regularly update the Minister of Fisheries and Aquaculture and the Minister of Labour on progress with the Inquiry.

Reporting

The Inquiry shall report to the Minister of Fisheries and Aquaculture and the Minister of Labour by Friday 24 February 2012.