



Ministry of
Fisheries
Te Tautiaki i nga tini a Tangaroa

Shared Fisheries

Proposals for Managing New Zealand's Shared Fisheries: A public discussion paper

November 2006



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■ Foreword from the Minister

Fishing has always been important to New Zealand and New Zealanders. It is a major component of our economy and a central part of our heritage, our culture and our national identity.

Those of us who go fishing have a lot in common. Whether we fish for fun off the beach, to earn a living, or to put food on the table, we all share the same resource and the same interests in ensuring it is managed well.

This paper focuses on “shared fisheries” – the fisheries where customary, amateur and commercial uses intersect. Here, the common interests of these users can be easily forgotten in the face of competing demands for access.

The challenge before us is to manage these important shared fisheries in a way that ensures New Zealand and New Zealanders get as much value as possible from them, not only today but into the future.

The ideas set out in this paper represent some new proposals to unlock greater value from our shared fisheries. We face significant problems in these fisheries, and new approaches and decisive action are required.

All New Zealanders have and will continue to have a basic right to catch fish. But that accepted, we need to make some major changes if we are to achieve greater certainty in allocation decisions, build management capacity and produce more overall value from the fisheries.

It is important that we get the policy and legal framework right and this is where you, the fishers, come in. I encourage you to get involved with the process and play your part in moving the policy discussion ahead.

Please read this paper, think about the proposals and options raised, and send us your views. All submissions will be carefully read and considered as part of the policy development process. You can be sure that your voice will be heard.

I look forward to hearing your thoughts over the next few months.



Hon Jim Anderton
Minister of Fisheries

October 2006

Section 1

■ Introduction

Shaping the shared fishery

This discussion paper has been produced by the Ministry of Fisheries (MFish), guided by decisions of the Minister of Fisheries and Cabinet, so people can have their say on proposals to improve the management of New Zealand's shared fisheries. Shared fisheries are those in which commercial, amateur and customary fishers all participate. Most shared fisheries are inshore fisheries (including snapper, blue cod, kahawai, rock lobster and paua) – but they also include offshore fisheries such as gamefish and freshwater fisheries such as eels.

The overall goal of the changes being proposed is to increase the value New Zealanders get from the use of shared fisheries. Value can be defined in terms of money, as it is by the commercial sector, but also in terms of the values that amateur and customary fishers seek – food, cultural tradition, or simply the pleasure of being outdoors and catching fish. Improved management systems will aim to ensure that the use of fisheries resources reflects the value placed on them by different groups.

Why change things?

New Zealand's shared fisheries are under increasing pressure. Effective management is currently undermined by poor information on amateur catch, and uncertainty surrounding the process for allocating available catch between commercial, customary and amateur fishers. This situation needs to change to secure the future of shared fisheries in New Zealand. Doing nothing would simply ignore the environmental risks associated with management decisions based on poor information, the costs of ongoing contention and litigation, and the loss of value associated with inadequate incentives for all sectors to protect and improve shared fisheries.

The ultimate aim of shared fisheries management is to provide opportunities for New Zealanders to get the best value – the best mix of financial value and other values – from the use of our fisheries resources. As with all fisheries management, there is an overriding need to protect the sustainability of fisheries resources.

At present it is difficult to assess the value of fisheries to the customary and amateur sectors because there is too little information available about who is catching what, where and when. Lack of good information on catch makes it difficult to manage fisheries sustainably. One of the main objectives of the proposals and options in this paper is to produce better information about use of the fisheries and so strengthen management.

Management of shared fisheries will also be strengthened by improving how value is distributed. Where rules for allocation processes are not well defined, fishers from all sectors become concerned over the future of their access to fisheries resources. This uncertainty discourages both conservation initiatives and cooperation between the different sectors that use shared fisheries, because each group is worried that the benefits of its work will be lost to others in the allocation process.

So, another main objective of the proposals in this paper is to produce a better allocation process that is clear and takes into account different fishing values.

About this paper

The ideas in this discussion paper have been approved for public consultation by Cabinet. However, they are not set in concrete. All can be changed or developed in response to public feedback. Where a clear view has been formed about the best way forward, ideas are presented as proposals for discussion. In other cases there may be more than one path that could usefully be taken. Here you will find two or more options to consider.

Some of the ideas in this paper are new and different, but they have not been raised lightly. Debate will help produce better solutions and this will benefit all New Zealanders.

This paper gives a series of proposals and options intended to:

- > Help generate better information on catch and value (Section 2).
- > Enable the Total Allowable Catch to be set at levels that will raise the overall value obtained from shared fisheries (Section 3).
- > Provide guidance and rules for allocating the Total Allowable Catch among the customary, amateur and commercial sectors (Section 4).
- > Provide mechanisms to reset amateur and commercial allocations of the Total Allowable Catch in key fisheries, and for ongoing adjustments to allocations in all shared fisheries (Section 5).
- > Allow for focused management of specific local areas of shared fisheries (Section 6).
- > Allow the possibility of redress for the commercial sector where there are significant adjustment costs associated with allocation or access decisions (Section 7).
- > Create greater capacity for amateur fishers to participate in the management of shared fisheries (Section 8).

Section 1

The key ideas in this paper are:

- > All New Zealanders have a basic right to catch fish.
- > Shared fisheries should be managed in a way that produces the best value – including both financial and other values – for New Zealanders.
- > Better information about the amateur catch in shared fisheries is needed for sound management decisions that will ensure sustainability and recognise each sector's legitimate interests. This will require more effective research and monitoring. Allocation decision-making could also be strengthened by getting better information on the relative value of amateur and commercial fishing.
- > A basic level of amateur take should be protected through a guaranteed minimum tonnage in each shared fishery, which would have priority over commercial fishing.
- > Māori customary take permitted under the customary fishing regulations (or regulation 27 or 27A of the amateur fishing regulations) should be provided for when setting allocations.
- > Amateur and customary values should be more explicitly recognised than they are now in setting the Total Allowable Catch for shared fisheries.
- > Allocating the Total Allowable Catch among the commercial and amateur sectors needs to be a more certain process than it is now. This means providing processes both for re-setting baseline allocations and for future adjustments that are aimed at gaining maximum value from shared fisheries.
- > Tools for local area management should consider whether exclusion of particular fishing methods or all commercial fishing would lead to an increase in value.
- > Redress should be considered for significant shifts in allocation or access.
- > Amateur fishers can and should have a bigger role to play in the management of shared fisheries. This could be brought about through a trust that would work to ensure amateur fishers were involved in fisheries management.

The proposals in this paper will require further detailed development if adopted. Putting the proposed shared fisheries management framework into action may take several years.

This paper deals exclusively with the interactions between customary fishing, amateur fishing, and commercial fishing, and how to ensure the best use of New Zealand's fisheries from these three types of uses. Consequently the proposals do not encompass aquaculture, international fisheries, allocation between fishers and other users of ocean resources, non-extractive use of fisheries, illegal fishing, or measures primarily intended to ensure that fishing is environmentally sustainable.

Having your say

We are seeking your views on the proposals and options contained in this document.

In particular, we would like to know:

- > What do you think of the specific proposals raised in this document?
Why do you support or not support them?
- > Where there are options presented, which option do you favour?
Why? Is there another possibility that should be on the list?
- > Do you think some of these fisheries management reforms are more urgent than others?
What do you think should be the priorities for action?
- > What shared fisheries should have the highest priority for attention – particularly under the proposals in section 5.1 of this document?
- > What other approaches could be taken to address the issues raised?

You can find out more about the proposals by:

- > Coming along to a public consultation meeting. These will be held around the country from November to mid-December. Details for these meetings will be advertised in major metropolitan and provincial newspapers and available on the MFish website.
- > Checking the Shared Fisheries pages on the MFish website (www.fish.govt.nz) for background information, questions and answers, and information on the consultation process.

Please let us know what you think before **28 February 2007**. You can make your views known by:

- > Sending a letter by email to shared.fisheries@fish.govt.nz or by post to Shared Fisheries Consultation, Ministry of Fisheries, PO Box 1020, Wellington.
- > Filling out and returning a submission form available from the website, or from MFish staff at any of the consultation meetings or by calling **0800 666 675**.
- > Filling out the online submission form on the Shared Fisheries pages of the MFish website.

A summary of submissions will be carried out and made available on the MFish website.

Please note that all submissions are subject to the Official Information Act and, if requested, MFish may need to release information in submissions. If you have any objection to releasing information in your submission, please indicate the parts you think should be withheld and the reasons. MFish may still have to release all or part of a submission.

MFish will be updating the Shared Fisheries pages on its website (www.fish.govt.nz) regularly so you can stay up-to-date with the shared fisheries consultation and management reform process.

How will final decisions be made?

MFish will consider the submissions made on this discussion paper, carry out further study and develop recommendations for the Government. This process will involve working with other government departments to ensure that a consistent and coherent approach is taken. Final decisions on reforms, and the nature and timing of implementation, will be taken by the Cabinet in mid-2007.

Key terms used in this paper

Amateur fishing: Public, non-commercial fishing. It includes any fishing under the amateur fishing regulations (except regulation 27 and 27A), whether the purpose of fishing is for recreation, subsistence or leisure. Although the current legislation refers to this as “recreational fishing,” some of it is more in the nature of food gathering. Amateur just means this fishing is not done for money.

Customary fishing and customary take: Non-commercial Māori customary fishing recognised and provided for by permits issued under the customary fishing regulations or under regulations 27 or 27A of the amateur fishing regulations.

Fisheries Deed of Settlement: The 1992 agreement between Crown and Māori negotiators to settle Treaty of Waitangi claims in relation to fisheries. It resulted in the Crown providing funds to purchase half of New Zealand’s biggest fishing company, Sealord (and is often called the “Sealord Deal”), transferring 20% of all new commercial quota to Māori, and developing regulations to recognise and provide for customary non-commercial fishing. The interim Settlement agreed in 1989 also provided substantial redress through transfer of 10% of all commercial quota existing at that time.

Fisheries Plans: Plans approved by the Minister of Fisheries that set out what MFish and stakeholders want from a fishery, and how these objectives should be achieved. The process provides a formal opportunity for stakeholders to have an input at the earliest stage rather than after they are developed by MFish staff. Once approved, a Fisheries Plan will formally establish arrangements to manage the fishery in a particular way.

Phone-and-diary surveys: Amateur fishers are identified through random national phone surveys. Some are asked to keep diaries of their fishing trips and catches. Information from these surveys and the diarists is used to help assess national amateur fishing patterns and catches.

Shared Fisheries: Fisheries where amateur, Māori customary, and commercial fishers all have an interest. Changes in management will affect all of these groups. Decisions have to be about finding the best way to manage the whole fishery or stock, not just about managing one group of fishers. Shared fisheries include iconic species such as snapper, blue cod, kahawai, rock lobster and paua.

Stock: Fish stocks are defined under the Fisheries Act 1996 for management purposes. A stock is a species in a particular area.

Total Allowable Catch: The sustainable limit on annual catch, set for each fish stock. All take by customary, amateur and commercial fishers must be accounted for within this total. An allowance is also made for effects such as that from illegal fishing on the stock.

Value: Not just financial or commercial value, but also less obvious or intangible values held by amateur and customary fishers. Value includes commercial profit and economic activity associated with harvest from the commercial and amateur sectors such as employment, foreign exchange earnings (exports and international tourism revenue) and retail sales. Value also includes non-market values associated with the ability to provide food for the table, values for customary practice and tradition, the pleasure of a day out on the water, or the sport of testing skills in the hunt. Valuation techniques exist to assess in quantitative or qualitative terms both commercial and amateur value.

Section 2

■ Getting better information on catch and value

Any effective management system depends on good information. In fisheries, this means knowing who is catching what, where and when. Relatively good information is provided by commercial fishers through legally required reporting of catches. There is an obligation to report customary take under the customary fishing regulations, and efforts are being made to improve this reporting as provisions of these regulations are taken up by iwi.

For the amateur catch, information is currently collected mainly by surveys. So far, two major phone-and-diary surveys have randomly sampled the entire New Zealand population to find out who goes fishing and what they catch. These surveys are expensive and time consuming and have produced uncertain catch estimates that differ between the surveys by up to 300%. More accurate results are needed to ensure the effective management of fisheries where the amateur take represents a significant proportion of the total take. Better information is also essential if amateur interests are to be properly recognised and taken into account in effective management of shared fisheries.

There is also a need to find out more about what fishers on recreational charter boats are catching. Iwi, commercial fishers and some amateur fishers have concerns about the effects of charter fishing on certain species in certain places. Charter fishing operators are not subject to specific regulations and it is not clear what effects charter fishing is having on the resource. However charter operators are in a good position to provide accurate information about their clients' catch.

In addition to information on catches, the value that commercial and amateur fishers obtain from fishing is important to efforts to improve the overall value obtained from shared fisheries. Such information would be vital for the implementation of some proposals put forward in later sections of this document.

Proposals to improve information on the amateur catch and value follow below. Please note that they are not being put forward as alternatives – one or all of these ideas could be implemented.

Proposal A	<p>More survey and monitoring work</p> <p>MFish is currently concentrating on new information-gathering methods involving flights over specific areas to count boats, and boat-ramp surveys to count catch. These are showing promising results, but are limited at present to relatively small, high-use areas of boat-based fishing. Under this proposal, MFish would develop and expand its overflight and boat ramp survey work around the country, and carry out more detailed analysis of existing data. Phone-and-diary surveys could still be carried out, but with improved methodology and supported by other survey data.</p> <p>These information-gathering methods could be supplemented by other approaches, including:</p> <ul style="list-style-type: none"> > Seeking information (e.g. through fishing clubs) on the effort and take of regular fishers. > Gaining information about fishing effort through the increased use of web-cams mounted at boat ramps and other places. > Adding fishing questions to the Census and the three-yearly Household Economic Survey.
Proposal B	<p>Reporting for recreational charter operations</p> <p>Under this proposal, MFish would hold a register of all charter boat operators, who would be required to regularly report on the catch and effort by amateur fishers on their boats. This information would be used to monitor fishing pressure on specific popular sites and, if necessary, take management action to protect vulnerable species such as groper. Charter boat registration would be likely to involve a charge to offset administration costs.</p> <p>There is no intention to bring charter fishing into the quota management system.</p>
Proposal C	<p>Estimating relative values for commercial and amateur fishing</p> <p>The aim of improved management of shared fisheries is to ensure that New Zealanders get the greatest possible value from them. The difficulty is that different user groups value the shared fisheries in different ways. Commercial users are interested mainly in dollars and cents measurement of economic activity. Customary and amateur users, on the other hand, are interested more in other values such as cultural practice or enjoyment.</p> <p>To determine how the shared fisheries can produce the greatest value for everybody, these different sorts of values need to be assessed and measured against each other. This is not an absolute science, but economists have developed techniques for doing it.</p> <p>Under this proposal, effort would be put firstly into developing and adapting methods that could produce useful valuation information about our shared fisheries. These methods would then be used to assess relative values for fishing by commercial and amateur sectors in specific fisheries, so that this information could be taken into account in management decision-making.</p>

Section 3

■ Setting the Total Allowable Catch

The Total Allowable Catch, which is described in tonnes, controls harvest and is the main means of affecting fish stock levels. Each stock has its own Total Allowable Catch and this tonnage is the pool from which allocations of catch for the customary, amateur and commercial sectors are made. Over time, setting the Total Allowable Catch at different levels influences the size of the stock and therefore the yield, abundance and size of the fish available to be caught.

There are different views about what fish stock levels should be. The standard practice for many fisheries has been to manage stocks at the level that provides Maximum Sustainable Yield. This lets fishers catch the greatest amount of fish, year after year, in a sustainable way, and often suits commercial fishers well. Amateur and customary fishers, on the other hand, often regard fish size and abundance as important. Both size and abundance can be improved by letting the stock level increase, but this means that a smaller amount of fish can be taken sustainably each year.

There are two proposals in this paper that could provide greater flexibility in setting the Total Allowable Catch for shared fisheries and so better recognise the importance of amateur and customary values. These are not “either/or” options – both proposals could be implemented.

Proposal A

Setting the Total Allowable Catch for a stock target level above that which achieves Maximum Sustainable Yield

This would provide for Total Allowable Catches in shared fisheries to be set in a way that brought about an increase in a stock to a level above that which allows Maximum Sustainable Yield.

Managing the resource at this higher level would mean a smaller overall quantity of fish could be taken each year, but the fish would be larger on average and more abundant, and so possibly easier to catch. This approach would be taken only where such a target would be likely to lead to an increase in overall value from the fishery.

This proposal would almost certainly involve a trade-off between commercial demand for greater yield and amateur and customary values for bigger fish and higher catch rates. All sectors might need to forego some of the total catch to build and maintain a higher stock level.

Proposal B

Setting the Total Allowable Catch in depleted fisheries to allow faster rebuild times

In fisheries where stock levels are below management targets, a stock rebuild strategy is needed. Rebuild generally requires cuts in current catches to take pressure off stocks. The bigger the cut, the faster the stock is likely to rebuild. Reduced catch means reduced incomes for commercial fishers. Longer rebuild times are often favoured by the commercial sector to reduce this impact. But, in shared fisheries, a longer rebuild time may mean that the value available to customary and amateur fishers is lower for longer. For important shared fisheries, a constraint on target rebuild times may help to increase overall value from the fishery.

This proposal is based on the idea of setting a Total Allowable Catch that would allow a depleted fishery to rebuild more quickly to target levels, within a specified maximum number of years. Rebuild times would vary from species to species and would depend on the biology of the species and the state of the fishery.

The proposals above would be applied on a case-by-case basis if doing so would produce an increase in value obtained from the shared fishery.

Section 4

■ Priorities for allocating the Total Allowable Catch

The present approach to making allocations of the Total Allowable Catch for shared fisheries lacks certainty. Priorities in the allocation process and the criteria for changing allocations between sectors need to be clarified. The allocation proposals and options in this section are intended to increase certainty. They would:

- > Protect the basic right of the public to go fishing; and
- > Clarify the provision for Māori customary food gathering to recognise obligations under the Fisheries Deed of Settlement.

These points are developed below.

4.1 The basic right to catch fish

Many New Zealanders feel that the freedom to cast a line to catch a fish is a cultural tradition that should be maintained. They are concerned that changes to the management of shared fisheries might mean restrictions or limitations were placed on this tradition. This value is part of our national identity and should be protected.

The proposal in this section is intended to reassure amateur fishers that the basic right to catch fish will be retained and protected in the new regime.

Proposal

Priority for amateur fishing over commercial fishing

The Government would protect and maintain a basic level of amateur take by establishing a minimum tonnage for the amateur sector in each shared fishery. This would have priority over commercial take. The tonnage would be reduced only if all commercial fishing had already ceased in the fishery and a further reduction in take was needed to ensure sustainability.

The minimum tonnage for each stock could be set at 20 percent of the baseline amateur allocation in each fishery (*see next section*).

4.2 Customary take

Under current legislation customary fishing must be conducted in accordance with permits issued under regulations and cannot be for sale or trade. Customary take is already highly regulated and represents a small percentage of the overall shared fisheries take. The permits require quantity, area, method and species to be harvested to be specified, and either reporting or recording of take. Permits can only be issued by persons approved by tangata whenua and notified to the Minister. The Minister of Fisheries retains the ability to constrain customary take for sustainability purposes.

The Fisheries Act 1996 does not provide clear guidance on how the obligations under the Fisheries Deed of Settlement need to be effected in the provision made for customary fishing when allocating the Total Allowable Catch.

Clarify provision for Māori customary take

Allocation rules should recognise that actual customary take authorised under the customary fishing regulations (or regulation 27 or 27A of the amateur fishing regulations) is to be provided for before allocation to the amateur and commercial sectors in order to align the Fisheries Act with the obligations created by the Fisheries Settlement. This clarification is consistent with MFish practice.

When reporting or records suggest authorised customary take exceeds the allowance, the customary allowance would increase, subject to overall sustainability limits ultimately set by the Minister. There could be some increases in customary take where inshore fisheries that are important to Māori are rebuilt from depleted states.

Proposal

Illegal Take

Illegal take is a significant problem in certain shared fisheries and specific initiatives by MFish are underway to reduce it. Estimates of illegal take are allowed for before allocating the available catch.

Managing customary take

A record of take is needed to ensure the allowance reflects actual take and so that a response could be made should reported customary take exceed the allowance.

Allocation for customary take requires the setting of allowances within the Total Allowable Catch. Currently some reporting of actual take is incomplete and MFish makes assessments of likely harvest based on criteria and available information. Reporting of customary take needs to be improved to ensure that information on total take is as complete as possible, so that the sustainability of resources can be protected.

Managing amateur take

Amateur take will continue to be managed using bag limits, minimum legal sizes, and gear restrictions. As information is improved, changes may be necessary to these settings to ensure the total amateur take for a stock does not exceed the amateur allocation.

Managing commercial take

Under the Quota Management System, all commercial catch must be reported. It must be counted against the Annual Catch Entitlement held, or a deemed value must be paid. A concern is that in some shared fisheries, commercial operators have regularly exceeded the Total Allowable Commercial Catch. Management changes to the deemed value regime are under discussion at present and have good potential to bring commercial over-catch more strictly under control.

Accountability for total fishing mortality is also a concern in some shared fisheries. Changes could be made to improve this, for example, by removing minimum legal size limits so that all catch is counted against the commercial allocation. Changes in fishing practices may be possible to avoid unwanted catch. This could promote faster stock rebuilds and so reduce the severity of any cuts needed to the Total Allowable Catch.

Various controls are already possible under the current management framework, and fisheries plans would provide a good context to evaluate further controls.

Section 5

■ Setting and adjusting amateur and commercial allocations

Allocating available catch between the amateur and commercial sectors is difficult because of the difference in perspectives between them. Some amateur fishers have said that their sector should simply take priority over commercial fishing. Their key concern is that past allocation decisions, based on catch in depleted stocks, have significantly disadvantaged the amateur fishing sector. Among industry advocates there is a strongly expressed view that the commercial sector has legitimate existing rights to a proportion of the Total Allowable Catch, and any reallocation to the amateur sector should be fully compensated. The commercial sector typically argues for a proportional approach that restricts amateur and commercial catch to fixed shares of the Total Allowable Catch.

Neither approach, if applied rigidly, would be likely to create the most value for shared fisheries. Because of the different interests at stake, and the perceptions that current allocations are not reasonable, it is important that initial allocations in key fisheries could be reset.

Re-setting and adjusting shared fisheries allocations to the commercial and amateur sectors are covered below.

5.1 Baseline allocations

Some fishers have challenged the fairness of current shares in the Total Allowable Catch. In moving to a more effective management system for the amateur and commercial sectors, the baseline (or starting point) allocations for important shared fisheries may need adjustment.

This section provides options for a process to determine the baseline allocations between the amateur and commercial fishing sectors. Any of the suggested processes are likely to be costly and would need to be constrained to a nominated list of key fisheries.

For other shared fisheries, baseline allocations could be based on existing allowances or a set of rules agreed as part of a Fisheries Plan.

Subsequent changes to allocations would be made in accordance with the approach chosen under the adjustment options described in section 5.2.

Options for re-setting amateur and commercial allocations in key fisheries are:

Option A

Re-set allocations following an independent assessment

An independent panel or person would assess historical evidence and submissions from people and groups involved in a particular shared fishery to determine whether current allocations were reasonable. An assessment, and potential subsequent adjustments, that took into account the effects of past management decisions on current shares could increase value and may assist to generate greater legitimacy. Recommendations would be made to the Minister on a baseline allocation, and on a process and timeframe to achieve the baseline.

Option B

Re-set allocations following a study of value in the commercial and amateur sectors

A valuation study, considering both commercial and non-commercial values for fishing, would be commissioned to estimate the highest value allocation for particular fisheries. Adjustments might be needed if there were a large discrepancy between the existing allocation and that expected to maximise value.

Option C

Re-set initial allocations following a negotiation process

Under this option, representatives of the amateur and commercial sectors would negotiate agreements on allocations. Any agreements reached would need to be properly ratified. Negotiations could lead to agreements on the Total Allowable Catch, rebuilding periods, criteria or rules for future adjustments, and area management issues.

Such an approach would allow all parties to put their concerns on the table and offer scope for a wide range of trade-offs that should lead to an increase in the overall value of shared fisheries. It might also set the stage for future direct negotiation on adjustments.

It would be necessary to have a clear government position on the approach to be taken if negotiations failed. This would probably involve re-setting allocations based on valuations, as in Option B.

The potential costs of these processes mean that they would need to be restricted to a limited number of stocks – perhaps half a dozen. Views are sought on the highest-priority stocks for such a process. Significant changes to allocations would be likely to require an adjustment period for moving from the present to new allocations, and this would need to be included in the decisions or agreements on allocations.

Whichever of the above three options is chosen, establishing baseline allocations between the sectors over all the shared fisheries will take time. However, the process could be set in train as soon as it was approved by the Government.

5.2 Ongoing adjustments

Changes might sometimes have to be made to commercial and amateur allocations. Clear rules for how adjustments were to be made under the new framework would increase certainty. This in turn would strengthen the incentives to conserve stocks and for sectors to cooperate in management.

Adjustments might be considered:

- > When there were changes to the Total Allowable Catch.
- > To account for changes in allowances for the customary sector.
- > When significant changes were detected in the relative value between the commercial and amateur sectors.

An approved Fisheries Plan might include rules for ongoing adjustment between the commercial and amateur sectors. Options are suggested below for ongoing adjustments where there is no such Fisheries Plan and no approved set of rules resulting from a process to re-set allocations as described in section 5.1.

Option A	<p>Proportional adjustments</p> <p>Under this approach, changes would be spread between the two sectors in proportion to their existing allocations. This is a simple scheme with predictable outcomes, giving increased certainty for both sectors. It would be relatively inexpensive to put in place.</p> <p>A variation on this idea would be for the proportional adjustment to be subject to agreed rules on apportioning changes. For example, one sector might be willing not to fish a portion of its allocation so the resource could be built up. An offer along these lines might be covered by an agreed rule stating that a sector in this position would receive all, or most (rather than just a proportion), of the corresponding future gain.</p> <p>Without agreed rules, proportionality could discourage attempts by any one sector to conserve or build up the resource, but a proportional scheme may encourage parties to get together to establish such rules, or to work together to conserve resources.</p> <p>Proportional adjustments would be unlikely to be acceptable where there were perceptions that the baseline allocations had not been set by a reasonable process.</p>
Option B	<p>Value-based adjustments</p> <p>Government decisions to adjust allocations could be based on estimates of the marginal value of fish (that is to say, the value of the 'next fish caught') to each sector. These estimates would take into account both commercial and non-commercial values. Adjustments to allocations would be made where assessments indicated that overall value would be increased.</p> <p>A value-based approach might encourage stakeholders to consider and develop transaction-based (sale and purchase) allocation arrangements to ensure their values were accurately represented in allocations. Stakeholders would probably see sale and purchase arrangements as a truer test of value than allocations based on research estimates of value.</p>
Option C	<p>Combination model</p> <p>Under a combination model, proportional adjustment (as in Option A) would be the default position. Valuation information, where available, would be used to shift allocations to where they created the greatest overall value.</p>

Direct negotiation between the amateur and commercial sectors over changes in allocation to shared fisheries is desirable and should be considered for the long term. To be successful negotiations would need to be governed by quite strict conditions. Decisions would have to be made by representative bodies, good information would be needed on the amateur catch, and the customary sector would have to be isolated from the effects of transactions. It is unlikely that these conditions will be met in the near future.

Section 6

■ Local area management

There are already tools for managing particular areas, for example:

- > Under the customary fishing regulations mātaihai reserves can be established to provide for customary use and management practices.
- > Commercial fishers can make collective decisions to combine or subdivide Quota Management Areas.
- > Section 311 of the Fisheries Act provides for areas to be closed to commercial fishing methods to favour amateur fishing – but it applies only where commercial fishing causes low amateur catches and adversely affects the ability of amateurs to take their overall allowance.

Management at scales smaller than Quota Management Areas may help increase the value of shared fisheries, especially for customary and amateur fishers in inshore areas. For instance, some high-use areas such as Kaipara have suffered from depletion of harbour fisheries and the situation might be improved by specific controls.

Proposals for management of specific areas are described below.
One or more could be implemented.

Proposal A

Provide for a coastal zone or areas where key species are managed with priority for non-commercial fishing

Many commercial bulk-fishing exclusion zones for particular methods already exist around the coast. These could be extended to cover the whole coast. Such a measure would establish a coastal zone of uniform width (e.g. 2km). A complete commercial ban would not be practical owing to the dependence of commercial operators taking species such as paua and rock lobster on access to close inshore areas.

Such measures could involve significant dislocation of commercial fishing and redress would need to be considered.

Proposal B

Provide for sector-initiated proposals to protect or strengthen specific interests

This would involve providing for sector representatives to nominate areas for special management to enhance the value of particular fisheries. The option could involve:

- > Nominating small areas as 'amateur fishing havens' which would be closed to some or all commercial fishing methods, or for seasonal closure to commercial fishing, or
- > Multi-party agreements to exclude bulk fishing methods from an area (e.g. bans on commercial and amateur set netting, dredging, long-lining or trawling, etc) or provide for rotational harvesting or restricted seasons for commercial or all fishing.

Unless supporters of any exclusion proposal could gain the agreement of affected commercial interests, a process to assess proposals would be required. This would need to consider redress for commercial interests.

Proposal C

Create area-based fisheries plans appropriate to shared fisheries issues

Fisheries plans could be developed under current processes to cover all shared fisheries within nominated areas such as the Hauraki Gulf, Bay of Islands and Kaipara Harbour. This approach would take significant time and commitment from all those involved, including MFish. However, it would allow for more comprehensive management, including negotiated trade-offs that could increase the value obtained from the fishery.

Section 7

■ Redress following adjustments in allocations or access

This section applies only to the commercial sector.

If the Government proposed changes to allocations or access, any significant costs that would be imposed on the commercial sector could be assessed and the need for redress considered.

The options proposed are:

Leave redress with the courts

This represents the status quo. Potential for redress for the effects of allocation decisions would remain with the courts, if and when claims were made. If there was a need for significant adjustments involving reallocation from the commercial to the amateur sector, claims for redress would be likely, with associated costs and antagonism.

Option A

Provide a specific process for consideration of redress to the commercial sector

A process would be developed to consider redress for significant costs faced by the commercial sector for particular classes of adjustments such as:

- > Transitional adjustments associated with re-setting baseline allocations for the amateur and commercial sectors.
- > Steps to recognise the interests of the amateur sector, such as setting revised stock targets with higher availability but lower yield of fish, or setting the Total Allowable Catch to achieve faster rebuild of depleted stocks.
- > Future adjustments to redistribute take or access between the amateur and commercial sectors, such as value-based changes to the Total Allowable Catch or geographical exclusions.

The process under this option would assess both the costs and benefits of changes in allocations. It would also consider whether the costs were significant and warranted redress by the Government. This analysis would be included in advice to decision-makers on changes to allocations. Subsequent allocation decisions would take these issues into account. Decision options might include payment of redress, or leaving this to the courts to consider.

Option B

Section 8

■ Representing amateur fishers' interests

Amateur fishers can and should have an important role in fisheries management, particularly by feeding their views into the decision-making process and in areas such as the development of fisheries plans.

Greater involvement by amateur fishers would mean more and better information on their views and objectives would be available to fisheries decision-makers. It would ensure that users were part of the development of long-term management strategies, and would help in the creation of ideas and policies acceptable to a large number of people.

An obvious problem with greater involvement by amateur fishers is that most participate on a voluntary basis and not through any professional role. Current organisations find it difficult to generate funding and to represent all amateur interests. Representing the broad public interest in amateur fishing will always be difficult, and assessing and taking account of such dispersed interests is often left to the Government.

Strengthening the voice of amateur fishers in the management of shared fisheries could be achieved through the use of professional representatives. This would enable more effective input by the amateur sector on the development of Fisheries Plans, and in discussions with the commercial sector on allocation, access to particular areas and the improvement of shared fisheries generally. Ultimately, such staff would be employed by a fully representative amateur fishing organisation. The following proposal would be an intermediate step toward this goal.

Proposal

Creation of an Amateur Fishing Trust

The trust would work with existing amateur fishing organisations to provide professional input into fisheries management; fund projects in line with the purpose of the trust; and promote the development of a representative, accountable and funded structure for the amateur fishing sector. Trustees would be appointed by the Minister and establishment trust funds would come from the Government and possibly other sources. The trust deed would require accountability to amateur fishers and would include public reporting obligations.

The staff of the trust could carry out roles including coordinating the views of amateur fishing organisations and communicating these to MFish and the Government, working with amateur fishing organisations on Fisheries Plans, and helping those organisations to become more representative, accountable, and self-funding. The trust could be a step on the way to the formation of a new national representative governance structure developed by the sector for itself. This might build on existing organisations or possibly subsume some, and would eventually represent all amateur fishers.

Section 9

■ Have your say!

The Ministry of Fisheries would like to hear the views of as many people as possible on the proposals for change put forward in this discussion document. All submissions will be considered and taken into account in final advice and decision making. It is just as important to let us know of your support for proposals as it is to tell us why you think they may not work or to offer an alternative idea.

Please let us know what you think before **28 February 2007**. You can make your views known by:

- > Sending a letter by email to **shared.fisheries@fish.govt.nz** or by post to Shared Fisheries Consultation, Ministry of Fisheries, PO Box 1020, Wellington.
- > Filling out and returning a submission form available from the website, or from MFish staff at any of the consultation meetings or by calling **0800 666 675**.
- > Filling out the online submission form on the Shared Fisheries pages of the MFish website.

Please note that all submissions are subject to the Official Information Act and, if requested, MFish may need to release information in submissions. If you have any objection to releasing information in your submission, please indicate the parts you think should be withheld and the reasons. MFish may still have to release all or part of a submission.

MFish will be updating the Shared Fisheries pages on its website (**www.fish.govt.nz**) regularly so you can stay up-to-date with the shared fisheries consultation and management reform process.



Ministry of
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