

OFFICE OF HON **Jim Anderton**

Minister of Agriculture, Minister for Biosecurity, Minister of Fisheries, Minister of Forestry,
Associate Minister of Health, Associate Minister for Tertiary Education, Minister responsible for Public Trust

Tēnā koutou

This letter outlines my decisions relating to proposed regulatory measures for 1 October 2007.

The Ministry of Fisheries (MFish) released three initial position papers (IPPs) during March and April this year outlining each issue.

In May 2006 I agreed to introduce prawn killer into the Quota Management System on 1 October 2007, and I have now made decisions on the measures necessary to support the introduction of this species.

The Foveaux Dredge Oyster dredge size restriction is one of several measures proposed under a cooperative plan for the Foveaux Strait Dredge Oyster Fishery developed by the Ministry of Fisheries, tangata whenua and fishery stakeholders.

The proposal to amend the cost recovery rules is necessary to reflect the 2007 Benthic Protected Area (BPA) Accord. The BPA Accord is an industry initiative approved by Cabinet. The BPA Accord proposes the closure of approximately 1.2 million km² (around 30%) of the New Zealand EEZ to bottom trawling and dredging. I envisage that the BPA Accord will be implemented later this calendar year.

The other issues relate to proposed regulatory amendments necessary to ensure better informed and sustainable fisheries management, reduced compliance costs for industry, and in one case improved administrative management in the registration of automatic location communicators.

I would like to take this opportunity to acknowledge all the submissions received from stakeholders on this year's review. I appreciate the time taken to provide submissions on the various proposals. The information within these submissions was valuable in my consideration of each proposal.

In reaching my final management decisions for 2007-08, I carefully considered the available information from MFish, and all of the issues and information put forward in submissions on each proposal within the review.

I also had careful regard to the relevant legislative and regulatory provisions for each of the proposals considered.



New Catch Effort Returns

I have agreed to amend the Fisheries (Reporting) Regulations 2001 to introduce two new catch effort returns:

- a Lining Trip Catch Effort Return (LTCER) for vessels between 6 and 28 metres in overall length that fish by the methods of bottom longlining, surface longlining (targeting species other than tuna or swordfish) and trot lining; and
- a Trawl Catch Effort Return (TCER) for vessels between 6 and 28 metres in overall length that fish by the methods of bottom trawl, bottom pair trawl, mid-water trawl and mid-water pair trawl.

The current use of Catch Effort and Landing Returns (CELRs) to record fishing activities by these vessels is insufficient to support informed and sustainable management in these fisheries. Important information such as fine-scale catch-per-unit of effort and the positioning of vessels (latitude, longitude) is currently not available to MFish. The new forms will provide a means to collect high quality science, fisheries management, research and compliance information to manage the fisheries successfully.

I am aware that stakeholders were concerned that the draft forms included in the IPP should undergo a complete development and review process and should be tested with fishers. I am satisfied that the process undertaken to finalise the forms included an adequate level of consultation and thorough testing with fishers to ensure they are easy to complete.

Licensed Fish Receiver Annual Audit Waiver

I have agreed to an amendment to the Fisheries (Reporting) Regulations 2001 to allow for a temporary annual audit report waiver, of up to two years, to be granted by the MFish Chief Executive to a licensed fish receiver (LFR).

Where such applications are approved, there will be reduced compliance business costs for LFRs, increased incentives to comply with Reporting and Recordkeeping Regulations and greater flexibility for MFish to control the annual audit process.

The MFish Chief Executive will have the power to revoke the waiver if the LFR makes changes to its business affecting the basis on which approval was granted, for example, if changes are made to the nature of the LFR's business that affect the annual audit report information, or if the LFR commits an offence.

Devolution of ALC Registry Services

I have agreed to devolve to the Approved Service Delivery Organisation (ASDO) the functions, duties and powers to register Automatic Location Communicators (ALCs) and ALC type approvals. The proposal to devolve these services was initially proposed by the New Zealand Seafood Industry Council Limited (SeaFIC) in early 2006.

I agreed that the proposal is a logical extension to the present situation, where all vessel registration functions, duties and powers (to which ALCs are linked) are currently devolved. As all contracted (SDA) and devolved (ASDO) services are managed by a single organisation¹, the ASDO already has access to the data for the ALC and Type Approvals registers. Devolution of these registers would therefore not be problematic. There are no increased risks to management through this proposal. Under the proposal, the MFish Chief Executive would retain the power to issue circulars specifying ALC standards and requirements and the power to condition ALC registrations.

Prawn killer

In May 2006 I agreed to introduce prawn killer (*Ibacus alticrenatus*) into the Quota Management System (QMS) on 1 October 2007.

After consideration of the issues raised by submitters I have made the following decisions in relation to this species.

I agreed that the TAC for prawn killer stocks be set under s 13 of the Fisheries Act 1996 (the Act) as listed in Table 1.

I agreed that the TACC and allowances for recreational and customary fishers, and other sources of fishing-related mortality for prawn killer stocks be set under s 21 of the Act as listed in Table 1.

Table 1. Proposed TACs (tonnes), TACCs (tonnes), and allowances (tonnes) for prawn killer stocks.

Stock	TAC	Customary allowance	Recreational allowance	Other sources of fishing-related mortality	TACC
PRK 1	25.7	0	0	1.2	24.5
PRK 2	3.7	0	0	0.2	3.5
PRK 3	1	0	0	0	1
PRK 4A	1	0	0	0	1
PRK 5	1	0	0	0	1
PRK 6A	1	0	0	0	1
PRK 6B	1	0	0	0	1
PRK 7	1	0	0	0	1
PRK 8	1	0	0	0	1
PRK 9	1	0	0	0	1
PRK 10	0	0	0	0	0

In order to support the introduction of prawn killer into the QMS I have agreed to an amendment to the Fisheries (Reporting) Regulations 2001 to define prawn killer stock codes to be used by commercial fishers when completing their statutory catch returns.

¹ SeaFIC subcontracts the delivery of registry services to FishServe while still retaining overall responsibility.

I agreed to the use of net mesh smaller than 100 mm when targeting prawn killer. The Fisheries (Commercial Fishing) Regulations 2001 prescribe a general minimum trawl net mesh size of 100 mm. There is, however, an exception in place under Regulation 71(5) for the scampi fishery that allows a mesh of 80 mm in the body of the net and not less than 55 mm in the cod end. I agreed to amend those regulations to allow the same trawl net mesh size to be used in the prawn killer target fishery.

I agreed to the setting of an annual deemed value of \$0.20 per kilogram (excluding GST) and an interim deemed value of \$0.10 per kg (excluding GST) for the 2007/08 fishing year.

Foveaux Strait Dredge Oyster Fisheries Plan: Limiting dredge size in non-commercial areas

I have agreed to a maximum bit bar length of 1 m for oyster dredges in the non-commercial areas of the Foveaux Strait Dredge Oyster Fishery.

The restriction is one of several measures proposed under a cooperative plan for the Foveaux Strait Dredge Oyster Fishery developed by the Ministry of Fisheries, tangata whenua and fishery stakeholders.

The non-commercial areas are the only parts of the fishery where small-boat dredging, or diving, can safely be used to harvest dredge oysters. There is currently no limit on the size of recreational oyster dredges and the use of commercial-scale oyster dredges in this area adversely affects the ability of recreational fishers to obtain full value from this fishery.

Other measures in the Foveaux Strait Dredge Oyster Plan focus on minimising the impact of the oyster-killing disease *Bonamia*, ways to enhance the fishery and the wider effects of dredging.

Amending the Fisheries (Cost Recovery) Rules

I have decided to recommend to the Governor General that the Fisheries (Cost Recovery) Rules 2001 be amended to reflect the requirements of the 2007 Benthic Protected Areas (BPA) Accord. The BPA Accord is a commercial fishing industry initiative approved by Cabinet. The BPA Accord proposes the closure of about 1.2 million km² (around 30%) of New Zealand waters to bottom trawling and dredging. The establishment of BPAs reflects an increased public awareness and interest in the benthos.

Given the establishment of BPAs I believe that leaving the cost recovery rules unchanged would no longer fairly apply the cost recovery principles set out in s262(b) and (c).

In making my decision as to how such costs are apportioned I have considered who exactly benefits from deepwater benthic research. The benefits of deepwater benthic research are not easily attributable to an identifiable person or class of person and the wider public benefit from this research is difficult to quantify. It is unclear exactly how much each party benefits and thus how much each should pay.

I have considered a full range of options from 1-100% and have decided that, in line with the BPA Accord, the cost recovered proportion of deepwater benthic research will not exceed 1/3rd of the annual total cost of that research.

I recognise that a submission called for a higher apportionment of costs and that some submitters rejected or questioned the apportionment given its subjective nature, However, there is no way to objectively make an assessment of this kind (e.g. to quantitatively determine how much fishing may actually affect the benthic habitat or how much each party benefits) and I am comfortable with the balancing and weighing of information that must occur to make a final judgement.

This regulation is intended to come into effect on 13 September 2007.

Noho ora mai

A handwritten signature in black ink, appearing to read 'Jim Anderton', written in a cursive style.

Jim Anderton
Minister of Fisheries