

**NZ SEAFOOD INDUSTRY COUNCIL**  
**SUBMISSION ON**  
**CONSULTATION DOCUMENT ON**  
**FISHERIES RESEARCH SERVICES**  
**PROPOSED FOR 2004/05**  
**AND**  
**2004/08 STATEMENT OF INTENT**  
**INCLUDING OUTPUT PLAN FOR 2004/05**

20 February 2004

## Introduction

1. The New Zealand Seafood Industry Council (“SeaFIC”) makes this submission on the ‘Consultation Document on Fisheries Services Proposed for 2004/05’<sup>1</sup> on behalf of the commercial seafood industry. It has been compiled by SeaFIC staff in consultation with members of the seafood industry and incorporates points raised at the Plenary meeting on 4 February 2004.
2. The submission is in two parts. Part I addresses the 2004/08 Statement of Intent including Output Plan for 2004/05 (SOI) and Part II comments on proposed research projects in the FRS.

### *Support for New Approach to Fisheries Management*

3. In principle, SeaFIC supports the directions and goals of the New Approach to Fisheries Management, which have been clearly set out in the SOI at a high level. For instance, we support the three components of the new approach (standards, allocation of rights, provisions for stakeholder participation), and we commend the Ministry’s facilitative approach towards the development of fisheries plans, as set out at the top of page 24. But as many elements of the framework are not yet in place, we cannot comment on how it may eventually apply in practice. Our support must therefore remain qualified.
4. While we agree with the Ministry of Fisheries’ vision of where we need to get to (i.e. the ultimate outcome of the “new approach”), we would definitely put more emphasis than MFish on the “how do we get there” (i.e. managing the transition). Many of the issues we raise in this submission, while supportive of the overall intent of the SOI, question and seek clarification on the manner in which the agreed outcomes will be achieved.
5. Given the absence of a number of key elements (e.g. rights framework for recreational fishers, gaps in standards etc), SeaFIC is concerned that the proposed timetable is not achievable. The transition requires not only the development of policies, but also engaging with and educating stakeholders who will be affected by the proposed changes.
6. SeaFIC submits that unless MFish urgently addresses the need to manage the transition well, it risks endangering the new approach to fisheries management by undermining stakeholder support. SeaFIC would like to work with the Ministry to ensure that the necessary frameworks for fisheries management are established in a timely manner, with industry understanding and support.

### *Focus on essential and cost-effective research projects*

7. The seafood industry has seen revenues tumble dramatically in the last three years and the economic forecasts for 2004/05 are poor. At the same time, management, research and administration costs have been rising. Given the current economic state of the industry, great care is needed in the commissioning of research to ensure only essential and cost-effective projects are undertaken. In this submission we identify a number of research projects that are not high priority and that we recommend should be withdrawn.

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<sup>1</sup> The document (dated December 2003) will be referred to as the FRS.

*Clarification requested*

8. SeaFIC raises a number of questions throughout the submission, and we would appreciate explicit, written responses from MFish. A summary of the matters on which we would like clarification is included at the end of this submission.

# PART I – STATEMENT OF INTENT

## Strategic Plan

9. The consultation document states on page 8 that the following pages contain a reprint (albeit with some shifts in emphasis) of the Ministry’s strategic direction for 2003/08, which was released to stakeholders in January 2003. The SOI then states that the strategic plan provides a direction for those with an interest in the fishery to move forward with confidence and against which to chart progress.
10. SeaFIC was looking forward to the expanded version of the Strategic Plan to provide us with something concrete against which to chart progress, since the January 2003 document contained a plethora of idealistic vision statements without any details of how these objectives would be achieved. Unfortunately, the latest version of the Strategic Plan has not achieved this. While it clearly signals a new approach to fisheries management, its building blocks are missing.
11. For example, MFish states that its operating environment can be difficult and sets out eight dot points that summarize factors that impact on the operating environment and need to be resolved (page 6). SeaFIC agrees that resolving these issues would be very positive and provide a way forward and SeaFIC therefore fully supports the aim. However, to illustrate our point about the lack of details in the overall document it is only necessary to look at the second bullet point – “There is a need to resolve conflict among recreational, customary and commercial fishers over access to fisheries and allocation of space and rights in the marine environment.” This is a laudable aim but, in our opinion, conflict resolution can be addressed only after the rights-based management framework for recreational fishing has been completed.
12. MFish’ failure to complete the recreational rights framework has obviously wider impact than that mentioned above. The Strategic Plan (page 9) states that:

People with rights to use fisheries resources have responsibility, and are held accountable, for the management of those rights, within environmental limits and standards set by government. They also meet the external environmental costs, and infrastructure costs, associated with their activities.
13. Unfortunately, in the absence of a recreational framework the accountability, responsibilities and costs can only be applied to the commercial sector. The absence of more specific information makes it impossible to make informed comments about a whole range of issues.
14. We wish to place on record our concerns about some of the implications arising out of the Strategic Plan. According to the Plan, MFish now has a single goal (page 10), which is to “Maximise the value New Zealanders obtain through the sustainable use of fisheries **and protection of the aquatic environment**” (emphasis added). It is not clear from this statement whether for MFish the protection of the aquatic environment has become an end in itself. If so, we must reiterate our opinion that MFish has no statutory mandate with respect to protection of the aquatic environment beyond whatever level of “protection” might be required in order to provide for the utilization and sustainability of fisheries resources.

15. Similarly, MFish is planning in the Best Value Strategy (Development of New Policies, page 17) to “investigate options for managing non-extractive uses of fisheries resources.”
16. SeaFIC submits that under the Fisheries Act 1996 (“the Act”) MFish does not have the mandate to do such work. The purpose of the Act is stated in section 8 and is “to provide for the utilisation of fisheries resources while ensuring sustainability”.
17. SeaFIC notes that the concept of non-extractive utilisation received legal analysis within MFish’s front end policy definition work following the introduction of the new Fisheries Act<sup>2</sup>. That analysis considered non-extractive use in the context of the wider legislative framework within which the Act exists, the Act taken as a whole, and the parliamentary intent at the time the statute was introduced.
18. Interpreting “utilisation” in isolation can lead to a conclusion that it includes the non-extractive use of fisheries resource i.e. the provision of cultural, social and/or economic well-being of users (definition of utilisation.). Purpose statements, however, are rarely (if ever) used in isolation.
19. When considered in context, the legal analysis concluded that non-extractive use values:
  - Were provided under other legislation such as the Marine Reserves Act 1971, the Marine Mammals Protection Act 1978, the Wildlife Act 1953, the Conservation Act 1987 and the Resource Management Act 1991. Further application for non-extractive values within the Fisheries Act would unnecessarily intrude upon the domains of other legislation;
  - Were not provided for within the tools of the Act which are focused on managing extractive utilisation; and
  - Were considered by Parliament during the Bill’s development and were explicitly excluded.
20. The Primary Production Select Committee provided further direction as to the meaning of utilisation stating that the Bill aims to facilitate the activity of fishing, and that all fishing should **ensure sustainability of the resource** (emphasis added). The Select Committee also considered that non-use values were provided for indirectly through the knowledge that fisheries resources were being managed sustainably.
21. The Primary Production Select Committee<sup>3</sup> reported that the scope of the Act (and thus the interpretation of section 8 of the Act) is limited to the management of fishing and the effects of fishing on the aquatic environment, in that

It does not deal with all aspects of the management of the aquatic environment, such as the protection of marine species and habitats, which is provided for through various statutes dealing with environmental management.
22. SeaFIC agrees with the view of the Select Committee and considers that providing for the non-extractive use of fisheries resources is not a legitimate function of MFish under the Act, and therefore should be removed from the business plan.

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<sup>2</sup> Fisheries Act 1996 Policy Definition of Purpose and Principles. PK Report. Ministry of Fisheries Wellington, New Zealand.

<sup>3</sup> Commentary on Fisheries Bill As Reported From the Primary Production Committee.

23. MFish has three strategies to achieve its single goal. These are:
  - Aquatic Environment Strategy (protect the health of the aquatic environment);
  - Best Value Strategy (enable people to get best value from the sustainable and efficient use of fisheries resources); and
  - Treaty Strategy (ensure the Crown delivers on its obligations to Maori).
24. Each strategy is then supported by policies that are grouped into three areas:
  - Continuation of existing policies;
  - Monitoring of existing policies; and
  - Development of new policies.
25. The “new policies” sections give cause for concern. They sketch out policy initiatives that will have significant impact on the industry, but fail to provide sufficient information to allow an assessment of their effects. Even more worrying is the fact that the actual work on the policies does not seem to be included in the Ministry Outputs. (For example, in the Aquatic Environment Strategy (“AES”) the “new policy” of developing a framework that requires fishers to pay for environmental damage they cause is not reflected in Output 11.)
26. MFish is also proposing (page 15) to “help” develop an integrated management framework to address adverse effects on the aquatic environment resulting from non-fishing use – including land-based activities - and determine an appropriate role for MFish.
27. By using the word “help” MFish appears to be indicating that it is cognizant that it has no legal authority to address adverse effects of land based activities. SeaFIC hopes that the inclusion of this policy proposal is a strong signal that there will be official recognition that land-based activities have a detrimental effect on the marine environment, and that this work will lead to a framework that would enable a full recovery of costs from non-fishing users that have an adverse impact.
28. The AES (page 16) contains another new policy development proposal that causes us grave concerns for all the above reasons (lack of detail etc) - “placing the burden of proof on fishers to demonstrate that any adverse effects on the aquatic environment from exercising their rights can be avoided or are within acceptable limits.” Without even entering into a discussion about reversing the burden of proof, we have no idea how onerous (or indeed even workable) this policy may be. Missing from the proposal are any indications of, for example:
  - Process for determining the limits;
  - What qualifies as an adverse effect;
  - How and when will the “demonstration” operate (avoidance implies demonstrating something in advance, being within limits implies demonstration after the fact);
  - By what means (and by whom) would the monitoring necessary to provide the required information be carried out.

## **New Fisheries Management Approach**

29. Again, it is not easy to comment on this part of the SOI. It states that the new approach requires MFish to develop stock strategies for all species and, if requested by stakeholders, to assist them in the development of fisheries plans. To carry this out, three components will be necessary:
- Standards by which the performance of the stock strategy or fisheries plan can be judged;
  - Rights allocated for the use of the fisheries resources;
  - Provisions enabling stakeholder participation in management, whether this be through the stock strategies or fisheries plans.
30. While the general direction taken by MFish is positive and SeaFIC would support the intent, our difficulty lies in the fact that the fundamental elements of the “New Approach” are not yet in place, nor does there appear to be any priority accorded to their development. We cannot assess how the move from the current situation to the new fisheries management approach can be achieved until the underlying framework is complete. The two major gaps are (summing up comments we have made above):
- The lack of a full rights-based management framework for recreational fishing and better integration of commercial and non-commercial rights; and
  - No indication of the types of standards that might drive these approaches.

### *Standards*

31. It has been clear for several years now that the development of standards is a key element of the new approach to fisheries management. The development of standards will not be simple, and it will require and benefit from the involvement and support of stakeholders. SeaFIC repeats the offer we have made on several occasions before now – we are very interested in contributing to the standards development process and look forward to genuine engagement with MFish on this important element of the framework.
32. The document states (page 25) that that performance standards will be the same for stock strategies or fisheries plans, but that “process standards may vary”. Not knowing how they will vary makes it difficult to comment on this proposition. As a general point we note that similar process standards should apply to stock strategies and fisheries plans. It would seem unreasonable, for example, to impose a stock strategy without consultation or agreement by affected rights holders, while expecting an industry-prepared fisheries plan to go through processes designed to obtain the support and agreement of all stakeholders. Different standards (and the costs associated with meeting those standards) are likely to create skewed incentives in the choice of the appropriate fisheries management tool (i.e., stock strategies or fisheries plans).
33. We were also concerned to read MFish’s answer to a question raised at the Plenary about the difference between a stock strategy and a fish plan. Our understanding is that under the “New Approach to Fisheries Management” there will be a choice in the fisheries management tool – fish stocks could be managed under a fisheries management plan (“X”) prepared by a stakeholder group, or, in the absence of such plan, a stock strategy (“Y”) devised by MFish. In other words, either X or Y. However, MFish’s response to the question is that “fisheries plans will deliver fine-scale management of fisheries beyond the level provided in the Government’s stock strategies”. So the choices appear to be either Y or Y + X. This significantly reduces the incentives to initiate a fisheries

plan path. Informally, we have also heard talk from MFish of “Crown fishery management plans” and of “utilization plans.” This terminology certainly could be understood to imply that MFish is heading down the incentive skewing “Y plus X” path. SeaFIC requests MFish to clarify its position on fisheries plans and stock strategies.

### *Allocation of rights*

34. This section (page 25) contains statements that SeaFIC supports and agrees with in principle. For example, we do not question the veracity of statements such as “the allocation of rights to stakeholders is an important element in enabling people to provide for their own well-being through the use of fisheries resources ...[it] creates the tools and a positive incentive for people to be responsible for maximizing value and ensuring sustainability”.
35. None of these statements about rights being well defined and allocated are reflected in the “Outputs” part of the SOI with respect to the major gap of an integrated rights framework for non-commercial fishing.

### *Participation in management*

36. SeaFIC supports the involvement of stakeholders in the development of standards, stock strategies and fisheries plans. Indeed, the “New Approach to Fisheries Management” is completely dependent on effective and real roles for all fisheries stakeholders. This is particularly true for the commercial sector, however, since the commercial sector is the only sector that has fully defined rights and pays, through cost recovery levies, for the services required to maintain and exercise those rights. It is disappointing therefore, that the SOI does not recognise more explicitly the role of Commercial Stakeholder Organisations in implementing the new approach to fisheries management. In the SOI documentation, commercial rights holders are invariably subsumed under the general heading of “stakeholders” and the roles assigned are those of “working closely with”, and “participation”, rather than any notion of partnership or shared responsibility commensurate with our understanding of the concepts of fisheries plans and collective responsibility. We are aware that descriptors such as “devolution” and “co-management” have lost favour with the Government, and we would therefore appreciate a clear statement from MFish about current expectations and roles with respect to collective industry responsibility.
37. We note that government guidelines recommend that an SOI should contain “an explanation of other organisations the department needs to work with in order to help achieve the desired outcomes”. To this end, we recommend that the SOI should contain a clearer statement of the Ministry’s relationship to the commercial sector. SeaFIC is willing to work with the Ministry to develop such a statement.
38. We also have some questions in relation to the statement that MFish will “support the formation of representative stakeholder groups”. First, we are not clear how MFish will decide whether a group is sufficiently “representative”. This reservation arises from the recent experience of a mandated representative stakeholder group (tuna), whose views were totally undermined by MFish’s decision making process. Second, it is not sufficient simply to support the “formation” of representative groups – MFish decision making processes can serve to either support or undermine the operation of those groups.

We would like to receive more details from MFish on the manner in which representative groups will be supported.

### ***Fisheries Intervention Plan***

39. Again, our first reaction to this section was that it is a good practical response from MFish to the need to allocate its resources across a range of priorities. However, to be able to make any informed comment we would need much greater clarity on how priorities are set (process for stakeholder involvement, criteria for prioritizing etc), and the consequences for services that are not priorities in one year (e.g., can stakeholders choose an external provider).
40. The overall incentives created by the FIP are also unclear. For example, what would happen if a stakeholder group developed a fishery plan but half the services could not be delivered because of MFish “priorities”? In order to commit resources to the development of fisheries plans (which will be a multi-year commitment), stakeholders need greater certainty about the prioritization process and criteria, and about the relationship of the FIP to longer-term work programmes.

### ***Measuring progress***

41. SeaFIC considers that the entire section on “Measuring progress” (pages 34-37) needs to be rewritten. We see two major problems with the section.
42. First, we consider that the section does not accurately indicate the type of progress that is supposed to be measured in an SOI. The government guidelines on SOIs<sup>4</sup> recommend that the long-term component of the SOI should contain indicators that will be used to assess the state of the agreed outcomes over time. The SOI contains both a “fishery outcome” (the performance indicators for which are contained in the top box of the diagram on p34) and two “MFish contributing outcomes” (indicators in the bottom box).
43. While the first set of performance indicators arguably (see paragraphs below) seeks to measure achievement of the “fishery outcome”, we don’t believe that the indicators in the lower box (“what the Ministry will do to contribute to achievement of the strategy”) come anywhere close to measuring progress towards the “MFish contributing outcomes”. The MFish contributing outcomes are to:
  - Maintain the integrity of the existing fisheries management and marine biosecurity frameworks; and
  - Develop new fisheries management and marine biosecurity frameworks.
44. With the exception of the indicator “stock strategies/fisheries plans developed/reviewed”, the indicators relate primarily to numerical measures of standard fisheries management processes rather than indicators of progress towards the “New Approach to Fisheries Management” or government’s core role in fisheries (i.e., maintenance and development of frameworks).
45. We suggest that the performance indicators should be more closely linked to improving the management frameworks. While indicators of this type might be more difficult to measure, we consider they give a more realistic and meaningful indication of progress

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4 2004/05 Statements of Intent: Guidance and Requirements, [www.ssc.govt.nz](http://www.ssc.govt.nz)

towards MFish's contributing outcomes. For instance, the performance indicators could state (based on the opportunities for improving the frameworks identified on page 22):

- Rights for all extractive users of fisheries resources are more fully specified;
- Reduction in Crown interventions in fisheries access;
- Increased examples of stakeholders working together effectively;
- Reduction in the amount of method and area controls;
- Comprehensive standards established;

and so on.

46. Our second concern is that the measures of progress appear to have been developed with a fixation on numerical targets, rather than an interest in real outcomes. This concern applies to the measures for both the "fisheries outcome" and the MFish contributing outcomes. "Progress" is determined by such measurements as the number of protected areas, number of detected incursions, number of QMS introductions, percentage of observer coverage etc. None of these "targets" has anything to do with real fisheries or environmental outcomes. Taking this approach to its logical conclusion, we will end up with the illogical conclusions that every marine organism should be in the QMS, there should be 100% observer coverage and all of New Zealand's EEZ should be a marine protected area, since these outcomes would achieve the highest performance measures.
47. We are particularly concerned about the implications for sustainable fisheries management of a "numerical target" approach to marine protected areas and marine reserves. In other submissions<sup>5</sup> SeaFIC has made the point that performance measures based on protecting 10% or 20% of the marine environment, or on establishing – for instance – 10 new marine reserves over the next three years, simply encourage ad hoc, opportunistic establishment of marine protected areas and are unlikely to promote an optimal approach to biodiversity protection. A target-based approach to marine biodiversity protection treats the establishment of a closed area as an end in itself, rather than as simply a tool to contribute to particular biodiversity protection objectives. As an alternative, we recommend performance measures that are based on matching specific risks to marine biodiversity with the most appropriate protection mechanisms to manage that risk.
48. In conclusion, SeaFIC recommends that considerable more thought will need to be put into this section. While some of the listed indicators are useful information to collect (e.g. changes in fishing effort, recreational catch, commercial catch, customary catch, amount of deemed value charged etc), they do not, in themselves, indicate progress towards any particular outcomes. Rather, this is the base information that needs to be fed into more sophisticated performance measures (that are yet to be developed). In general, we suggest that performance measures, rather than being blunt numerical targets, are more helpful as indicators of progress if they are constructed as:
  - Comparisons or ratios (e.g.: ratio of government costs to export returns); and

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5 . SeaFIC submission to the Local Government and Environment Committee on the Marine Reserves Bill, 31 January 2003

- Trends (e.g. reduction in amount of method or area controls, reduction in amount of seabird bycatch, reduction in the exposure of specified habitats subject to identified biodiversity threats etc...)

### ***Consultation***

49. SeaFIC is pleased that the issue of consultation is seen by MFish as sufficiently important to be discussed under a specific heading. We have previously criticized the consultation process in a number of submissions, so it is not necessary to repeat our comments here. It now remains to be seen whether the performance will match the words in the SOI.
50. It is unclear why MFish feels it should adopt principles for the consultation process relating to statutory decision making for cost recovery, but not for other annual consultation processes it undertakes (page 41).
51. MFish is at pains to assert that the consultation processes relating to statutory decision making for cost recovery will comply with the rules of natural justice, but then feels compelled to redefine natural justice *à la* MFish curtailing the right to be heard. There is an attempt to justify this curtailment by stating that there will be cases where the decision maker will not have time to consult because “there are matters of urgency”. SeaFIC requests that MFish provides us with an example of a “matter of urgency”.
52. The industry is becoming increasingly cynical about MFish’s commitment to consultation. The impression we get that consultation is often seen simply as a process that has to be carried out, rather than as an input designed to help achieve better fisheries management decisions; done “because we have to even though it is a waste of time”. Why else would MFish describe consultation as an open ended and formless process (page 41)?
53. SeaFIC submits that the rules of natural justice are minimum standards of fair decision making, imposed by the common law on persons or bodies who are under a duty to “act judicially”; i.e. the rules extend to any person or body deciding issues affecting the rights or interests of individuals where a reasonable citizen would have a legitimate expectation that the decision-making process would be subject to rules of fair procedure. Therefore the content of natural justice is flexible and variable.
54. However, the rules of natural justice are generally formulated as the rule against bias and the right to a fair hearing. The right to a fair hearing requires that at least nobody be penalized by a decision affecting his or her rights or legitimate expectations unless they have been given:
  - i) Notice of the case they have to meet; and
  - ii) A fair opportunity to put their own case.
55. Additionally, there are some aspects of the Ministry’s concept of consultation that need clarification. Page 40 contains the phrase “iwi and other stakeholders (noted below as all stakeholders)”. This descriptor then apparently subsumes the category “commercial stakeholders”. The paragraph describing the cost recovery consultative process clearly distinguished that this involves a two stage process, with the second (the determination of stocks from which levies will be recovered) involving only commercial stakeholders. However, we are unsure how this statement fits in with the page 41 principle that sets

out criteria that will determine who is a stakeholder. Under these criteria any interest group could claim that their interests will be affected in a way significantly different from the general public and that they therefore must be consulted.

### ***Criteria for assessing quality of policy***

56. MFish sets out seven criteria for this assessment. SeaFIC submits that the “Consultation” criterion is deficient in that it omits any feedback to contributors. In our view it is essential that people who provide input during a consultation process receive feedback from MFish on their views and whether MFish has taken account of their views or not. Only through reasoned feedback is it possible to determine if MFish has indeed consulted with an open mind. Only through reasoned feedback is it possible for submitters to have confidence that future consultation is worthwhile, and whether or not certain arguments are worthy of repeating.
57. Additionally, MFish states that during consultation possible objections are identified. SeaFIC submits that this is not sufficient, objections should not only be identified, they should also be analyzed.

## **Ministry Outputs to Achieve its Contributing Outcome**

### **Output 11: Utilisation and sustainability advice provided**

58. As discussed above, the completion of the rights framework for recreational fishing should be a major priority. SeaFIC is very disappointed that it is not even mentioned. This is especially so in view of the earlier parts of the SOI that propose new directions, increased responsibilities etc, all of which have this framework as an essential component.

### **Output 21: Utilisation and sustainability of New Zealand’s fisheries resources measured**

59. An analysis of research projects from 1999-2003, based on information available on the MFish website, reveals that a high proportion of projects were never commissioned and of those that were, 91% were let to one research provider, NIWA. The vast majority of projects (84%) were in fact only bid for by the one provider.
60. In such circumstances, recognizing the high overhead of administration and the lack of business certainty for what is in effect a monopolistic research supplier, it makes sense to consider partnerships, multi-year projects, etc.
61. This is, however, an area of considerable complexity and requires serious and extensive consideration. The SOI is unclear as to how MFish proposes to approach the issue.
62. SeaFIC has recently, as part of a wider Industry Development Framework project, started work on the development of a Seafood Industry Research Strategy (SIRS). The intention of this work is to understand fully the operating environment for research in the seafood and marine sectors, and to consider how the industry should seek to work with the Crown and research providers to achieve desirable outcomes. The scope of the SIRS should therefore encompass the proposed work noted on page 53 (Output 21).

63. SeaFIC invites MFish to respond positively to the approach from SeaFIC (letter sent by SeaFIC Chief Scientist to MFish Chief Executive on 11<sup>th</sup> February 2004) to participate in the SIRS development and to undertake the proposed (Output 21) review of the purchase of research services in this wider context.

#### **Output 26: Observer services provided**

64. We note that an “Observer Project” has been established and MFish anticipates that it will facilitate detailed planning and costs estimation for 2004/05 and that it may lead to trip sharing and cost reductions.
65. However, MFish is releasing its Working Group report about observer services mid to end of February (date unspecified). If this report is received after 20/02/04, without having any clear ideas what will be in it,<sup>6</sup> any further comments here would be pointless. SeaFIC submits that industry will make an informed response on Output 26 only after this report becomes available.

#### **Output 31: Utilisation and sustainability reported**

66. This is the key output for the “new approach to fisheries management” including the development of standards, fish stock strategies, fisheries plans and the implementation of the rights based framework. It seems rather strange, therefore, that none of these new initiatives appear in the “results” part of this Output. Instead of being driven by management objectives for specific fisheries, the “results” are a reiteration of the old, unsatisfactory process/service driven advice papers.

#### **Output 41: Statutory decision process administered**

67. This output provides for the evaluation of applications from stakeholders to harvest aquatic life or to farm aquatic life. One of the performance measures in this output is that the Ministry will resolve marine farming applications “on a timely basis”.
68. SeaFIC submits that this performance measure has to be made far more explicit; so far the “timeliness” has not borne any resemblance to commercial reality.

#### **Output 51: Commercial fishing rules enforced**

69. We have commented in our previous submissions that this output class is completely lacking in accountability. The output description makes it clear that the industry is paying for the “maintenance of the Ministry’s compliance capacity”. We submit that the enforcement of fishing rules outputs should be the provision of priority identified services.
70. The answers provided by MFish to SeaFIC at the Plenary actually raise even more questions. MFish has stated that since there is no scientific method of determining current levels of compliance, it bases the delivery of these services on a “crude evaluation of the deterrent effect of enforcement services.” SeaFIC submits that this is not acceptable in an output that annually recovers in the order of \$7.5 million from the industry.

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<sup>6</sup> Also refer to Peter Murray’s handout at the Policy Council which states that MFish has “Observer Policy in draft, planning processes prototyped and service delivery is to be enhanced”.

71. This approach is further exacerbated by the Fisheries (Cost Recovery) Rules 2001, which deem a number of services to be “industry wide services” and prescribe that for these services the cost shall be recovered from the industry on the basis of a “volume times value” formula (that is port price multiplied by tonnage). “Monitoring and offence detection” are one of the services deemed to be industry wide. This means that the costs are recovered from industry on the basis of the value of a particular fishery, not on the basis of who benefits or who causes risk. The services may be “industry wide”, i.e. everyone will have these services imposed on them, but it cannot be maintained that everyone benefits (or causes the risk) proportionately to the value of their fish stocks
72. SeaFIC has stated repeatedly that the cost of monitoring and offence detection does not depend on the value of the fish stock. We hope that this area of iniquity will be addressed in the review of cost recovery signaled in the SOI.

**Output 52: Customary fishing rules enforced**

73. This issue is fully addressed by Te Ohu Kai Moana in their submission. SeaFIC has sighted the submission and endorses its comments on this Output.

## **PART II – FISHERIES RESEARCH SERVICES**

74. We begin by making some generic comments. The remainder of the submission addresses specific research proposals.

### **Consultation**

75. SeaFIC expressed concern throughout 2003 that consultation on research services was inadequate and remained driven largely by research providers rather than by management needs. We additionally expressed concern at the lack of value in the RCC, which seems to exist with no clear purpose. We will not reproduce here the comments we made in our submission following the RCC<sup>7</sup> or verbally thereafter.
76. Perhaps partly in response to the expression of such concerns, MFish informed many stakeholders by letter on 29 January 2004 that the SOI discussions on 4 February 2004 would involve a project by project consideration of the proposed research services. Unfortunately, SeaFIC Science was not sent a copy of that letter and only learned of the intention on 2 February 2004. Many commercial stakeholders were totally unaware of the intention.
77. At the meeting on 4 February 2004, MFish staff mostly left the room for the project by project discussion, with no relevant staff left to consider cost recovery or administrative issues. The two MFish Science staff that remained were, like many stakeholders, not fully prepared.
78. Overall, the consultation on Research Services proposed for 2004/05 has not been adequate. The areas of inadequacy are many and varied, and the issues are well rehearsed if so far not dealt with.
79. The foregoing is a very negative comment, but SeaFIC is pleased to note that while the 2004/05 planning has again in our view been inadequate, MFish is making serious attempts to correct matters for future rounds. We look forward in 2004 to a more robust research planning round, led by the Senior Fishery Management Advisors and with appropriate roles played by research providers and affected levy payers.

### **Appropriate structure to allow fair and equitable application of cost recovery rules**

80. It is perhaps symptomatic of the poor planning processes within MFish, and across agencies, that many projects, most notably in the Aquatic Environment portfolio, are not structured in a manner that would result in a fair and equitable application of the cost recovery rules. Projects ENV 2004/04 and ENV 2004/05 are examples of this. The projects are wide in scope and are not well focused. They do not permit clear and unambiguous application of the rules with costs falling appropriately. As proposed and explained in the meeting on 4 February 2004, the costs of unspecified modeling work on unspecified species of birds would fall, for instance, primarily on HOK quota holders. Yet it is far from clear that the hoki fishery is the main risk exacerbator.

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<sup>7</sup> SeaFIC submission on the Proposed Fisheries Services 24 October 2003

81. While it is laudable that MFish is trying to pick up the reins in an uncoordinated (between government agencies) area of work, SeaFIC cannot support projects which are poorly focused and leave open the possibility of unfair attribution of costs.

### **Undermining of incentives**

82. Inappropriate cost attribution due to poorly defined and focused projects may not necessarily be illegal – though it assuredly contravenes the principles of natural justice. SeaFIC notes that such an unjust application of the rules detracts from the purpose of the rules and, most importantly, undermines confidence amongst quota holders and creates wrong incentives. That distortion of incentives potentially undermines the QMS itself. As a matter of principle, SeaFIC is firmly of the view that projects should at all times be constructed so as to ensure fair and reasonable cost attribution to ensure proper incentives are created. We cannot support projects which fail in this respect.

### **Costs and cost estimates**

83. This year, for the first time, MFish has provided cost estimates at the discussion stage of the SOI. This is a step forward. MFish may have prepared explicit and detailed cost estimates, but what is provided in the draft SOI is very crude and at times unhelpful. Project costs given as “\$0-\$50,000” or “\$50,000 - \$100,000” do not inspire confidence – either in the cost estimation procedures themselves (if they do actually exist), or in the likelihood of value for money being attained when the majority of projects (see paragraph 59 above) are subject to a single bid and are also mostly undertaken by a single research provider. Nor is confidence inspired by many of the costs being very high, possibly unreasonably so.
84. SeaFIC acknowledges that cost estimates have been provided and sees this as a very small step towards doing the job properly and in a useful manner. As provided this year, although well-intentioned, it is unfortunate that the cost estimates in fact further undermine confidence in many cases.
85. The seafood industry has seen revenues tumble dramatically in the last three years and the economic forecasts for 2004/05 are poor. At the same time, management, research and administration costs have been rising. Given the current economic state of the industry, great care is needed in the commissioning of research to ensure only essential and cost-effective projects are undertaken.
86. SeaFIC recommends that for the reasons given above the following project which are either non-essential or excessively costly, be withdrawn:
- OEO2004/01 - Estimation of the Abundance of black oreo and smooth oreo in selected areas
  - ORH2004/01 - Estimation of the abundance of orange roughy in selected areas
  - HOK2004/03 - Estimation of spawning hoki biomass using acoustic surveys
  - HOK2004/04 - Estimation of mortality of juvenile hoki
  - HOK2004/05 – Stock discrimination of hoki
  - SNA2004/05 - Biomass estimation for snapper in SNA 1
  - STA2004/03 - Validation of growth zones in stargazer otoliths

- ENV2004/04 - Characterisation of seabird captures in New Zealand fisheries
- ENV2004/05 - Modelling of impacts of fishing-related mortality on New Zealand seabird populations

## DEEPWATER FISHERIES

**Project:** Seabird and marine mammal interactions with the Ross Sea toothfish fishery

**Project Code:** ANT2004/03

87. We note that the nature and extent of seabird and marine mammal interaction with fishing activity in the Ross Sea is extremely rare – to date no incidental seabird captures have been observed on the New Zealand vessels involved in the Ross Sea toothfish fishery.

88. We also note that this proposal updates earlier similar analyses that described:

- a) seabird and marine mammal abundance and distribution in the Ross Sea; and
- b) the nature and extent of seabird and marine mammal interactions with fishing activity in the Ross Sea.

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**Project:** Modelling of the ecosystem effects of fishing in the Ross Sea

**Project Code:** ANT2004/05

89. We note that this is the only research proposal of the twelve proposals for Deepwater Fisheries that is not considered to be a high priority. We agree with this designation and believe that the rationale for this pilot study needs further consideration.

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**Project:** Estimation of the Abundance of black oreo and smooth oreo in selected areas

**Project Code:** OEO2004/01

90. Acoustic surveys to estimate biomass are expensive when carried out on dedicated vessels. In many cases, the costs of such surveys approach or even exceed the revenues from the fishery. In recent years, however, industry-based acoustic surveys conducted in deepwater, middle depth and hoki fisheries have started to yield high quality biomass estimates that have been accepted by stock assessment working groups. The development of techniques for industry-based surveys has been carried out by various commercial stakeholder organizations in conjunction with national and international research providers. When acoustic surveys are integrated with fishing operations, the costs reduce dramatically. As a matter of principle, SeaFIC considers that when industry-based approaches are available, MFish should not be commissioning expensive, dedicated surveys without the explicit support of the affected quota holders.

91. We suggest this project be withdrawn.

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**Project:** Estimation of the abundance of orange roughy in selected areas

**Project Code:** ORH2004/01

92. Industry-based acoustic surveys (see paragraph 90 above) have produced high quality biomass estimates for a range of orange roughy stocks in the past two years. The Deepwater stock assessment WG has accepted these estimates for use in stock assessments. Given the economic situation of the industry (paragraph 85) and the clear intention of the Orange Roughy Management Company to continue producing industry-based acoustic biomass estimates, SeaFIC considers that this project should be withdrawn.

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**Project:** Research Observer Days – Antarctic Fisheries

**Project Code:** OBS2004/02

93. There are 850 industry requested days. A maximum of 728 have been previously achieved. Is a target of 850 realistic?

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## **HOKI AND MIDDLE DEPTHS FISHERIES**

**Project:** Estimation of spawning hoki biomass using acoustic surveys

**Project Code:** HOK2004/03

94. The Hoki Fishery Management Company has been working for two years with NIWA to produce high quality industry-based acoustic biomass estimates. The Hoki stock assessment WG has accepted these estimates for use in stock assessment.

95. The hoki quota has fallen in recent years from 250,000 tonnes to 200,000 tones and then to 180,000 tonnes. In 2004/05 it is expected that a further reduction in quota will take place. Revenues from hoki have fallen approximately 40% from 2002 to 2004 (estimated) and will decline further in 2004/05.

96. Reiterating our comments at paragraphs 85 and 90, and noting the work already being undertaken by the hoki industry, SeaFIC considers that this project should be withdrawn.

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**Project:** Estimation of mortality of juvenile hoki

**Project Code:** HOK2004/04

97. This work was first suggested by industry during an industry meeting held in late 2003, to which some NIWA scientists were invited. The work is now underway, funded through the Hoki Fishery Management Company and being done in conjunction with NIWA. The project should therefore be withdrawn.
98. SeaFIC is concerned that this project was fed into the research planning process by a research provider after the industry intention to do the work was already made clear. This is an example of the poor planning processes and wrong drivers that are currently in play. The potential to undermine industry research is clear.

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**Project:** Stock discrimination of hoki

**Project Code:** HOK2004/05

99. It is not clear from the rationale why this proposed research is important. What are the fishery management implications? If a stock discrimination technique is found that works, what then will follow?
100. Considerable effort has already been expended in this area, with no success. On behalf of the Hoki Fishery Management Company, NIWA produced a report in 2003 which suggested it was unlikely such work would be successful. SeaFIC firmly believes that Industry should not be forced to pay for scientific experiments that have a low chance of success at any time, but especially at a time when the industry is facing financial difficulties. The project should be withdrawn.

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## **INSHORE FINFISH & FRESHWATER EEL FISHERIES**

**Project:** Characterisation of the Cook Strait butterfish fishery.

**Project Code:** BUT2004/01

101. We suggest that this project is of “Low Priority” and should be withdrawn – the case is not made in the rationale for this research in a small fishery to be afforded a high priority. Local depletion is caused by recreational fishing; we see no concerns for the sustainability of the fish stock.

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**Project:** Longfin eel population modelling.

**Project Code:** EEL2004/04

102. This is an experimental project which should be FoRST funded. No eel fishery in the world has a population model that can be used for stock assessment and management. The eel quota holders in New Zealand should not be required to fund this feasibility study.

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**Project:** Validating bluenose and rubyfish ageing using radiocarbon dating.

**Project Code:** INS2004/01

103. SeaFIC suggests that method development is a public good and that funding should be sought elsewhere. While we support the investigation of a validation method for ageing long lived deep water teleosts, we oppose the cost recovery being limited to the two fish stocks (BNS and RBY).

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**Project:** Snapper population modelling and stock assessment

**Project Code:** SNA2004/01

104. SeaFIC is concerned at the cost of snapper assessment work, especially in comparison to other species for which complex assessments are undertaken (e.g. hoki). We suggest that a review of the increasingly complex snapper assessment modelling is overdue, with a focus not on “how good is the work?” but rather on “what is needed to provide sufficient information to allow good decision-making?”

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**Project:** Biomass estimation for snapper in SNA 1

**Project Code:** SNA2004/05

105. SeaFIC endorses the views expressed by The Northern Inshore Fisheries Company Ltd that this project should be deferred until the results of the major SNA8 tagging programme are finalized and effectively utilised in the assessment work. We note paragraph 85 above and see no reason so urgently to undertake such expensive work.

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**Project:** Measurement of abundance of 0+ snapper in SNA 8

**Project Code:** SNA2004/06

106. After the RCC SeaFIC noted that the rationale does not make it clear how the measurement of abundance of 0+ snapper in SNA 8 will flow on into the recruitment of age 3 snapper into the fishery. A 'good year' for 0+ snapper will not necessarily lead to good recruitment into the snapper fishery 3 years later due to a number of possible mortality events in the intervening years. This project should be deferred until more analytical work has been completed on the precision of the forecasts i.e., how useful the predictive power of the data is to determine good years for recruitment.

107. We endorse the comments of The Northern Inshore Fisheries Company Ltd and reiterate that the project should be withdrawn.

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**Project:** Stock assessment of stargazer in STA 7

**Project Code:** STA2004/01

108. STA7 is currently the subject of an AMP. As part of that AMP, a commitment has been made by the stakeholders to carry out a stock assessment. SeaFIC considers that the inclusion of this project – again not put forward by managers – undermines the integrity of the STA7 AMP and, more generally, the confidence of industry in the research planning and potentially fishery planning processes. The project should be withdrawn.

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**Project:** Validation of growth zones in stargazer otoliths

**Project Code:** STA2004/03

109. This is a risky research project where the chances of success are unknown. Marking and releasing stargazer runs the risk of being a significant cost to quota holders and of having a zero scientific (information) return. As such, and especially in the current economic climate, the project should be withdrawn.

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## SHELLFISH FISHERIES

**Project Title:** Main larval sources that support the red rock lobster fishery.

**Project code:** CRA2004/01

110. This project was presented to the Rock Lobster Research Planning Group and the National Rock Lobster Management Group. It received qualified support. As presented at those meetings, however, the expectation was that the project would build from existing work and would be a relatively small desktop study, perhaps involving one scientist for a few weeks. It is hard therefore to understand the cost estimate of \$100,000 - \$150,000. In line with stakeholder wishes, SeaFIC would support this project but only at a reasonable cost. At the current cost estimate, we would suggest the project be withdrawn.

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**Project Title:** Rock lobster recruitment

**Project code:** CRA2004/02

111. The debate over this project has been well rehearsed. In line with specified stakeholder wishes, SeaFIC supports this project.

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**Project Title:** Determination of age, growth rates and spawning events in shellfish using stable isotopes.

**Project code:** GEN2004/01

112. As noted for other such projects, SeaFIC does not think it reasonable that affected quota holders should have to fund a proposal which has only a moderate chance of success. This technique is unproven and may not be successful. We suggest that public good funding be sought for such work.

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**Project:** Characterisation of octopus catches

**Project Code:** OCT2004/01

113. There is no urgency for this project. We suggest it be withdrawn.

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**Project:** Foveaux Strait oyster stock assessment

**Project Code:** OYS2004/01

114. SeaFIC supports this project and the involvement of the Bluff Oyster Management Company in deciding the final nature and extent of the proposal.

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**Project:** Fishery independent survey of paua in PAU 7

**Project Code:** PAU2004/01

115. Note that the start and completion dates are incorrect (2002 and 2003).

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**Project:** Stock assessment of Coromandel scallops

**Project Code:** SCA2004/01

116. We support the final nature and extent of the project being determined in conjunction with stakeholders.

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**Project:** **Stock assessment of Northland scallops**

**Project Code:** SCA2004/02

117. We support the final nature and extent of the project being determined in conjunction with stakeholders.

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**Project:** Measuring the abundance of scampi

**Project Code:** SCI2004/01

118. Like many deepwater and middle depth projects, this is essentially a placeholder, with the nature and extent, and affected parties, still to be determined. SeaFIC does not support placeholder projects as a matter of principle and considers they should only be included with clearer focus and the explicit agreement of affected stakeholders.

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## NON-COMMERCIAL FISHERIES

**Project:** Fishery independent survey of paua in PAU 2, between Tirau Point and Patea River, Taranaki

**Project code:** PAU2004/03

119. SeaFIC objects to the inclusion of this project which did not come through the research planning process. It should be withdrawn.

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**Project:** Analysis of marine recreational diary data

**Project Code:** REC2004/06

120. Project REC2004/01 is estimated to cost up to \$1 million to look at alternative methods to diary systems. SeaFIC supports that project but sees little value in this project which is backward looking.

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## AQUATIC ENVIRONMENT

**Project:** Estimation of New Zealand sea lion incidental captures in New Zealand Fisheries.

**Project Code:** ENV2004/02

121. The cost estimate for this project (0 - \$50,000) is risible. The work involved is nothing more than checking simple calculations already undertaken by SeaFIC. We are not aware that in the many years of checking, any errors have been found.

122. The project is not really a research project at all. There is no technical need for it. Rather, it exists to meet a political need – that someone other than industry does the simple sums that are used for management purposes.

123. If the project is maintained at all, the cost estimate should be better reflected by the use of more credible bandings (we suggest 0 - \$100) and the costs should be borne by the Crown.

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**Project:** Characterisation of seabird captures in New Zealand fisheries.

**Project Code:** ENV2004/04

124. Please see the comments at paragraphs 80-82 and 83-85. Although SeaFIC is genuinely impressed at MFish attempts to take finally a more strategic approach in this area, we cannot support the projects in their current form and believe they should be withdrawn. Work should not be undertaken at any cost and should not be proposed in such unfocused and unspecified terms.
125. It is unclear how this project relates to the National Plan of Action for Seabirds (NPOA), which is the intended overarching framework for seabird research.
126. We note that specific objective 5 duplicates a research project already levied 4 years ago under the Department of Conservation CSL Programme: \$107,000 levied from Industry in 2000 to design a protected species observer programme (CSL OBS 2000/2).

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**Project:** Modelling of impacts of fishing-related mortality on New Zealand seabird populations.

**Project Code:** ENV2004/05

127. Please see the comments at paragraphs 80-82, 83-85 and 124. We note that this research project is so vast (7 specific objectives) and yet so poorly specified that it dooms itself to failure and duplicates the responsibilities of the Department of Conservation to produce Population Management Plans for protected species.
128. The project should be withdrawn.

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**Project:** Assessment of Maui's Dolphin - fisheries interactions

**Project Code:** ENV2004/06

129. Currently there is no risk posed to Maui's dolphin from fishing as set net fishing has been banned within four nautical miles off the coastline. There are no documented cases of trawl caught Maui's dolphin (vessels are required to complete a Non-fish Incidental Mortality Form if an interaction occurs).
130. We note that in the 'Fisheries Research Services for 2004/05 for discussion at the Research Coordinating Committee meeting of 21 October 2003,' dated 13 October 2003, this project was 100% Crown funded – why has this changed?

131. The project duplicates the research being undertaken in the Auckland DOC region as documented in the ten year DOC 'Maui's Dolphin Research Programme 2003-2013'. It is therefore unnecessary.
  132. Why is there mention of a survey being designed to achieve objective 1? There is no rationale for this.
  133. This project should be withdrawn.
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**Project:** Investigating the effects of fishing on seamounts.

**Project Code:** ENV2004/07

134. Much of the work proposed has already been done by Malcolm Clark of NIWA – it is unclear what is proposed here, what extra value it might add, and how the cost estimates are derived for work already completed.
  135. The statement “The nature and extent of the work will be determined in conjunction with the AEWG” is perhaps the giveaway that the project is really no more than a poorly costed placeholder. As such it should be withdrawn.
  136. A commitment was made to determine the nature and extent of this project following a review of projects ENV2001/15 and ENV2002/05. These projects are yet to be tendered – thought should be given to reviewing all three projects to ensure a coordinated and relevant programme. This needs to take place in the context of the still-to-be-completed/agreed MFish Seamount Strategy to ensure that any research fits into the policy framework.
  137. We note that a similarity analysis is a simple grouping/mapping exercise and will serve little purpose particularly when each individual seamount is supposedly different.
  138. The rationale and description of objectives is poorly written – this is not surprising given the lack of policy/management context.
  139. This project should be withdrawn – it duplicates work that has already been undertaken, poorly estimates costs and has no policy/management basis.
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## PELAGIC FISHERIES

**Project:** Characterisation of the kahawai fisheries

**Project Code:** KAH2004/01

140. SeaFIC opposes this project. We note it has been given a “medium” priority by MFish – we suggest it is ‘low’ priority based on the following statement in the Rationale:

“Whilst there is unlikely to be any significant risk if this particular research project is not undertaken, without a clear assessment of our current knowledge of the fishery, there will be no way of reasonably assessing the risks to sustainability for this fish stock”

141. We note the statement “The total New Zealand annual recreational harvest based on an average of the 1996 and 2000 survey estimates is ~3,000 t”. We oppose this averaging unequivocally and are surprised that MFish persists in such statistical nonsense.

142. SeaFIC endorses the comments made by The Northern Inshore Company Ltd.

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**Project:** Developing Kingfish stock monitoring and assessment

**Project Code:** KIN2004/01

143. SeaFIC endorses the comments made by The Northern Inshore Company Ltd.

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**Project:** Movements of southern bluefin tuna

**Project Code:** STN2004/01

144. On 11 November 2003 SeaFIC received documentation pertaining to an additional pelagic project – Movements of southern bluefin tuna (STN2004/01) asking for comments by the 18<sup>th</sup> of November. The explanation was that there had been a planning oversight and that, while the formal consultation on project 2003/01 was on the basis of three years, a research project for the remaining two years of the program (beyond STN2003/01) was not included in the Research Coordinating Committee (RCC) document.

145. MFish agrees that this project was not consulted at the RCC “due to an oversight” but it seems to believe that since it allowed additional time for comment on this project, that this somehow equates to formal consultation. We disagree – the “additional time” was 3 days and the project has never been formally consulted.

146. We are not at all sure what, within the sustainability and utilisation framework of the Fisheries Act 1996, is the purpose of this research. A statement that it is part of the southern bluefin tuna medium research plan and part of the pelagic fisheries medium research plan does not shed any light on the reason why this particular project is proposed in this particular form. Being then told that it is “consistent with the Fisheries Resources section of the Ministry of Fisheries Strategic Research Directions document” does not provide any illumination either.
147. An additional point of confusion arises from examining CCSBT documents where the draft budget for 2004 refers to a SRP tagging program costed at \$561,325. That project is funded by contributions from members and New Zealand’s contribution is projected at \$38,000. So where does the Ministry’s project fit within the CCSBT tagging program?
148. We are uncertain about the proposed logistics of the project. The Rationale states that there may be an opportunity for tagging studies to be conducted in cooperation with tuna fishers possibly at either end of the STN season. How is this intended to work in practice? Will the fishers who participate in a tagging project at the start of the season (while the rest fish against the national allocation) be compensated for loss of opportunity? Conversely, if the fishing for tagging purposes occurs at the end of the season, will the fishers be indemnified against the possibility of catching fish that may exceed the national allocation tonnage?
149. Objective One states that it is expected that the mortality of large STN will be about 50% and that “there is potential for these fish to be used to offset the costs of this research”. We fail to see how that proposition would be put into practice. It appears that this sale of fish concept has been taken from the CCSBT budget, where the 2004 expenditure of the SRP tagging program will be offset by transferring a surplus of \$85,000 (representing the net proceeds from selling dead fish from an Australian east coast pilot tagging program).
150. Such offsetting of costs is a simple proposition when the agency which funds research uses any revenue generated to offset its costs. Since the Ministry is planning to levy the commercial fishing industry for the costs of this project, how does then the Ministry plan to implement this offsetting in practice? Setting the levies at the beginning of the year based on the full costs of the project would then constitute an over recovery at the end of the year once the revenue gained from the dead fish was factored in. Or, since the Ministry has levied on the pelagic stock assessment formula, would the revenue be applied solely to offset the Crown’s 5% contribution?
151. Industry has previously objected to both the cost (\$300,000 -\$400,000) of this project and its allocation (STN stocks), especially when MFish insisted that it must carry out this project in support of New Zealand’s international obligations. The approach taken to this project appears to be inconsistent with the ANT projects carried out “in support of New Zealand’s international obligations”, which are 100% Crown funded.
152. MFish’s response to a question from SeaFIC on this inconsistency makes a distinction (that we haven’t yet managed to fathom) between ANT projects as “for the benefit of NZ fishers and the international community” and the STN projects as “for the benefit of NZ fishers with flow on benefits for the international community.”

153. That is sheer sophistry. It has nothing to do with flowing benefits versus straight benefits; MFish is unable to impose and collect levies on fisheries outside the EEZ, such as the Ross Sea toothfish fishery.
154. SeaFIC objects to the inclusion of this project as it has never gone through the research planning process. It should be withdrawn or, if it proceeds it should be 100% Crown funded.

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## STOCK ASSESSMENT METHODS

**Project:** Catchability of trawl surveys

**Project Code:** SAM2004/03

155. The Orange Roughy Management Company recently invited tenders to undertake a project on the feasibility of estimating trawl survey catchability. The results of that work are planned be presented to the Deepwater stock assessment WG during 2004. Given that the work is already being carried out and will be presented soon, this project should be withdrawn.

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**Project:** Medium –term research plan

**Project Code:** SAM2004/02

156. As agreed at the SOI consultation meeting on 4th February 2004, this work should be Crown funded. SeaFIC is concerned that MFish would consider commissioning the preparation of a medium term research plan, potentially from a research provider with vested interest in the business opportunities that would be created. Medium term research plans need to be determined in consultation with stakeholders and, in general, driven by management needs. An exception might be made for SAM projects where the needs are better determined by scientists directly, but still the task must fall to MFish and not be outsourced.
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## SUMMARY OF MATTERS ON WHICH SEAFIC SEEKS CLARIFICATION

- i) The extent of MFish’s statutory mandate to protect the aquatic environment;
- ii) The extent of MFish statutory mandate to manage non-extractive uses of fisheries resources;
- iii) When will MFish complete a rights-based management framework for recreational fishing;
- iv) What is the timeframe that MFish has for completing these standards;
- v) What will the variance between performance standards for stock strategies and fish plans;
- vi) Are fisheries plans and stock strategies mutually exclusive or will stakeholders have a stock strategy imposed on them regardless that they are operating in accordance with a fish plan;
- vii) What are MFish’s expectations and roles with respect to collective industry responsibility;
- viii) How does MFish propose to support the operation of representative groups;
- ix) What are the process and prioritization criteria of the Fisheries Intervention Plan;
- x) What are the options for stakeholder involvement in the Fisheries Intervention Plan;
- xi) How will the use of the proposed “Measuring progress” performance indicators measure actual achievements, i.e. the quality of the achievement;
- xii) What is an example “matter of urgency” which would preclude the decision maker to carry out consultation;
- xiii) When will MFish release its Working Group report about observer services.

Kamila Skapa  
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