

23 February 2009

Tēnā koe

REVIEW OF REGULATORY MEASURES AND OTHER MANAGEMENT CONTROLS FOR 1 OCTOBER 2009

- 1 The Ministry of Fisheries (MFish) is currently consulting on a number proposals that could result in changes to regulation. If approved these would take effect on 1 October 2009, with the exception of the catch documentation scheme for Southern Bluefin Tuna, which would come into effect 1 January 2010. The Initial Position Paper (IPP) provides you with MFish's initial position on each issue being reviewed. The IPP includes the rationale to support each proposal and for some issues a preliminary recommendation.
- 2 The purpose of this letter is to provide you with a short summary of each IPP, so that you can choose which issues you would like to examine further, and potentially provide comment on.
- 3 A copy of the full IPP can be found in the "Consultations" section of the MFish website, www.fish.govt.nz, or alternatively you can request a hard copy from Tracey Steel, tracey.steel@fish.govt.nz, or ph: (04) 819 4585.

Catch Documentation Scheme for Southern Bluefin Tuna

- 4 New Zealand is a Member of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). At its annual meeting in October 2008, CCSBT agreed to implement a Catch Documentation Scheme (CDS) for southern bluefin tuna (STN) by 1 January 2010. The catch documentation will provide fisheries managers with better information on catches of and trading in southern bluefin tuna. Tagging and measurement of individual fish is an important component of the scheme, and will provide valuable information for scientific purposes.

Tagging will also help prevent illegal, unreported, and unregulated (IUU) fishing, since legally-caught fish will be readily identifiable.

- 5 MFish proposes to establish regulations that require every southern bluefin tuna caught and killed on a commercial vessel to be tagged, weighed and measured. The requirement will apply to fishers on all New Zealand-flagged vessels (whether fishing in New Zealand's fisheries waters, on the high seas, or fishing against New Zealand's quota in waters of a foreign jurisdiction), and foreign charter vessels operating in the domestic fishery. The CDS will cover the sale of southern bluefin tuna on both domestic and export markets.
- 6 The regulations will come into effect on 1 January 2010.
- 7 Specific instructions for tagging, measuring, reporting and recording will be issued by gazette notice. MFish may modify or update such instructions from time to time as required, following consultation (as long as the instructions meet the requirements of the CDS resolution).
- 8 Key issues to consider when implementing the CDS include:
 - The importance of monitoring and controlling international fishing for southern bluefin tuna, which is currently below the biomass that can support the maximum sustainable yield. New Zealand's domestic fisheries already have a number of controls in place, but there is a need to support additional measures that will apply to the fleets of all CCSBT members, in order to monitor international catches and markets for this valuable species.
 - New Zealand's international obligations as a member of CCSBT.
 - The need to ensure the CDS is practical and suits the characteristics of the New Zealand fleet. Tagging components were trialed in New Zealand during the 2008 season.
- 9 Changes to fishing practices will be necessary in order to meet the requirements of the agreed CDS. MFish will work with fishers and licensed fish receivers to ensure the CDS is as practical and cost effective as possible.

Seabird mitigation measures by circular

- 10 MFish proposes to amend the Fisheries (Commercial Fishing) Regulations 2001 (the regulations) to allow for:
 - The promulgation of circulars specifying criteria for seabird mitigation measures for classes or types of vessels;
 - The promulgation of seabird mitigation measures by circular for specific vessels.

- 11 In February 2008 the previous Minister of Fisheries (the Minister) determined minimum acceptable mitigation measures that all trawl and longline vessels should be using in the short term. The Minister's decisions were implemented by *Gazette* Notices, pursuant to section 11 of the Fisheries Act 1996 (the Act). MFish's expectation was that the gazetted measures would eventually be promulgated through regulation. Subsequently, *Gazette* Notices for trawl vessel were revoked to allow for further collaborative work with stakeholders.
- 12 At the time the Minister made his decisions, he indicated to stakeholders that the regulations would be amended to allow the MFish Chief Executive to issue circulars in relation to a range of seabird mitigation measures and types of vessels. MFish would consult with stakeholders on the content of seabird mitigation circulars prior to their being issued. However, the Minister signalled that they would likely initially replicate the current *Gazette* Notice measures, unless new information came to light.
- 13 In April 2008, the Minister initiated consultation with stakeholders on a proposal to enable the MFish Chief Executive to issue circulars for seabird mitigation measures. MFish received submissions from commercial stakeholders setting out an alternative proposal based on a Vessel Management Plan (VMP) regime, supported by a regulatory framework. MFish and fishing industry representatives undertook discussions on whether the VMP approach could be accommodated within the regulatory framework that MFish is proposing.
- 14 In order to progress the Minister's directives, MFish proposes the following:
 - a) MFish would proceed with its original proposal to amend the regulations to empower the MFish Chief Executive to promulgate circulars specifying general criteria for seabird mitigation measures;
 - b) MFish would also amend the regulations to empower the MFish Chief Executive to promulgate seabird mitigation measures for specific vessels
- 15 As this proposal differs materially from the IPP that MFish consulted on in 2008, MFish is undertaking further targeted consultation with those stakeholder groups with a direct interest in this issue.

Amateur Rock Lobster harvest regulations

- 16 MFish has received two requests from stakeholders to amend the Fisheries (Amateur Fishing) Regulations 1986 (Amateur Regulations) and/or the Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991 to improve access to, and utilisation of, rock lobster fisheries by amateur fishers.
- 17 One request is to allow the use of hand-operated lassoes (also referred to as cray loops) for the recreational harvest of rock lobster. The second request is to exclude amateur rock lobster holding pots from the current rock lobster pot limits and escape aperture requirements.

Hand-Operated Lassoos

- 18 The New Zealand Recreational Fishing Council (NZRFC), with support from stakeholder members of the multi-sector National Rock Lobster Management Group (NRLMG), request an amendment to allow the use of hand-operated lassoos for the recreational harvest of rock lobster.
- 19 In 2005, the previous Minister of Fisheries reviewed recreational rock lobster fishing methods and made provisions for some new gear methods to be used. The Minister did not provide for the use of lassoos as there was insufficient information about their potential impacts on rock lobster.
- 20 The NZRFC submitted new information¹ in 2008 on the impacts of lassoos on rock lobsters. Powrie (2008) concluded from a 2006 survey that the use of hand-operated lassoos causes fewer injuries to both hard- and soft- shell rock lobsters than hand gathering (a permitted harvesting method).
- 21 Based on this new information, both the NZRFC and stakeholder members of the NRLMG support an amendment to the Amateur Regulations to allow the use of hand-operated lassoos for the recreational harvest of rock lobster. Both the NZRFC and NRLMG stakeholder members recommend that spring-loaded lassoos be prohibited as a method to harvest rock lobster.
- 22 MFish invites stakeholders to comment on the new information (Appendix 1) that has been presented by the NZRFC and provide any additional information regarding the potential impact of hand-operated lasso use on the rock lobster fisheries. Stakeholders are invited to provide information or views in relation to any of the management options.

Rock Lobster Holding Pot Requirements

- 23 The Fiordland Marine Guardians (FMG), supported by the stakeholder members of the NRLMG, request an amendment to the Amateur Regulations to exclude amateur rock lobster “holding pots” from the current rock lobster pot limits and escape aperture requirements.
- 24 Regulation 25C of the Amateur Regulations was introduced in 2004 to restrict the number of rock lobster pots that may be used, set, or possessed in New Zealand fisheries waters. Maximum pot limits are set at three pots per individual (including by an individual who is the only person on a vessel)² and six pots per

¹ Powrie, W. 2008. Injury caused by hand collection and lasso collection of New Zealand rock lobster (*Jasus edwardsii*). Report prepared for the New Zealand Recreational Fishing Council. Appendix 1.

² Fisheries (Amateur Fishing) Regulations 1986, regulation 25C(1)(a).

- vessel (where there are 2 or more individuals on a vessel)³. Exceptions to this rule exist in the Fiordland Marine Area, Paterson Inlet⁴ and Mimiwhangata Peninsula⁵ where lower pot limits apply.
- 25 The FMG believe that counting holding pots against the applicable pot limit was unintentional as it reduces the number of active fishing pots that may be utilised by amateur fishers. Requiring holding pots to comply with escape aperture regulations exposes rock lobster catch to predators.
- 26 In response to this request MFish proposes three options for consideration:
- Option A is to retain the status quo and count holding pots against general rock lobster pot limits and require holding pots to comply with escape aperture requirements.
 - Option B is to exclude holding pots in the Fiordland area from current rock lobster pot limits and escape aperture requirements, establish an explicit definition of a rock lobster holding pot and their requirements (i.e. unable to catch rock lobster and exclude escape apertures), and institute a holding pot limit.
 - Option C is to exclude holding pots in all New Zealand waters from current escape aperture requirements and harvesting pot limits, establish an explicit definition of a rock lobster holding pot and their requirements (unable to catch rock lobster and exclude escape apertures), and institute a holding pot limit.
- 27 MFish has concerns about the impact making better provision for amateur holding pots may have on ease of enforcement of bag limits and quantity of illegal take. This is because holding pots provide opportunities for fish thieves to hid illegal activity.
- 28 MFish requests any additional information regarding the benefits and challenges of removing holding pots from the current pot limits and escape aperture requirements. Stakeholders are invited to present information regarding how commonly used holding pots are and in what locations, and the number of holding pots that would be required per person or vessel if Option B or C were implemented. Stakeholders are invited to provide information or views in relation to any of the management options.

Paua Accumulation and personal export limits

³ Fisheries (Amateur Fishing) Regulations 1986, regulation 25C(1)(b).

⁴ Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991, regulations 4AAB(1)(c), and 5AA(1)(b).

⁵ Fisheries (Auckland and Kermandec Areas Amateur Fishing) Regulations 1986, regulation 5(2)(e).

- 29 There is a large amount of paua illegally harvested each year in New Zealand that severely threatens the sustainability of paua stocks.
- 30 Any paua that is not taken using a commercial permit or a customary authorisation is, by default, subject to the legislation governing the amateur harvest of paua. The amateur harvest of paua is restricted to a maximum daily number of 10 per person by regulation 19(1) of the Fisheries (Amateur Fishing) Regulations 1986 (Amateur Regulations).
- 31 Regulation 29(3) of the Amateur Regulations provides a defence that a person can be in possession of more than the daily bag limit if they can satisfy the court that the paua were legally taken over a number of fishing days. This accumulation defence provides a mechanism that people involved in illegally harvesting paua can exploit.
- 32 MFish preferred option is to set an accumulation limit on the amount of paua that one person can have in their possession at any one time, and work with Customs to restrict the personal export of paua to a specified number of daily bag limits or equivalent weight of paua.
- 33 MFish's information on paua offending indicates that fishers who take greater than 3 times the daily limit of paua comprise the largest proportion of the illegal harvest. Consequently, the compliance and enforcement strategy for paua needs to include a focus on improving deterrence and reducing opportunities to hide serious deliberate offending.
- 34 MFish has a strong preference for the accumulation limit to be set at 3 daily bag limits or less, or an equivalent processed weight (for paua not found whole). MFish considers this provides an effective mechanism to combat instances of excessive illegal harvesting, especially those breaches above 3 times the daily limit, which the law treats as serious non-commercial offending.
- 35 MFish is proposing to limit the personal export of paua to the accumulation limit or to one daily bag limit. The intention of this restriction is to limit the amount of illegally harvested paua being exported from New Zealand, but not to stop all personal export.
- 36 MFish is seeking submissions from tangata whenua and stakeholders on the number of paua they consider is appropriate for the (i) accumulation limit, and the (ii) personal export limit.
- 37 Setting an accumulation limit and restricting personal export of paua will assist in more effective monitoring and enforcement, with appropriate action able to be taken against the serious deliberate offending that is the major threat to the sustainability of the paua resource.
- 38 MFish is aware that the proposal does impact on legitimate fishers wanting to collect or export paua, collected over a number of days, for special occasions.

- 39 Customary authorisations for taking paua will not be effected by the accumulation limit or the personal export limit provided the current requirement to have the authorisation accompanying the fish is met. The personal export restriction will not apply to commercially-caught paua.

Standardising Minimum Legal sizes of Flatfish for amateur fishers in Challenger Fisheries Management Area

- 40 This IPP proposes to standardise the minimum legal sizes (MLSs) for flatfish applying to recreational fishers in Challenger Fisheries Management Area. Although this has not been discussed with stakeholders from other areas, the MFish welcomes submissions from these stakeholders on the potential to extend this proposal to all areas. Different MLSs for flatfish (25cm) and sand flounder (23cm) for recreational fishers adds unnecessary complexity to the regulations, as it is often difficult to distinguish between the different species, and recreational fishers may unintentionally breach amateur rules.
- 41 Some individuals within the recreational sector would like to see the MLS for flatfish (25cm) and sand flounder (23cm) standardised, with a single MLS of 25cm for all flatfish species.
- 42 MFish concludes the flatfish – sand flounder MLS disparity is a relatively minor issue that can be remedied very easily.

Standardising amateur net minimum mesh sizes in Challenger Fisheries Management Area

- 43 This IPP proposes to standardise the minimum mesh sizes for recreational fishing nets in the Challenger Fisheries Management Area (FMA 7). Anomalies and inconsistencies between minimum mesh sizes for recreational fishing nets add unnecessary complexity to the regulations – there are more minimum mesh sizes than are necessary - but confer no sustainability benefits.
- 44 The best examples of this are (i) the inconsistency between minimum mesh sizes for red and blue moki, where the difference between the two mesh sizes is only 1mm, but the minimum legal size (MLS) is the same (40 cm in both cases); and (ii) the 108mm mesh size net applies to only one species (butterfish). At the same time, a number of stocks are assigned a *default* minimum mesh size; ideally these would be *specified* in any amendment to the appropriate regulation (Regulation 3B of the Fisheries (Challenger Area Amateur Fishing) Regulations 1986) to remove any uncertainty. A comparison between the current minimum sizes and the recommended, new minimum mesh sizes is given in Appendix 1 of the IPP.

New management measures for the amateur Paua fishery in Taranaki

- 45 This paper proposes a range of management measures to enable recreational fishers to lawfully harvest black-footed paua (*Haliotis iris*) within a defined area of Taranaki.
- 46 MFish proposes to:
- a) Implement a regional amateur minimum legal size (MLS) of 85 mm shell length for the area between Awakino River and Wanganui River to enable recreational fishers gather paua (refer Figure 1); and
 - b) Implement an area limitation on possession of paua at the proposed lower MLS within an internal ‘*Amateur Taranaki Paua Fishery Area*’ to address compliance risk associated with a smaller regional MLS; and
 - c) Either i) retain the amateur daily bag limit of 10 paua per person or ii) reduce the amateur daily bag limit to 5 paua per person for the Taranaki region to mitigate potential impacts of recreational fishing effort on localised paua populations and the customary fishery.
- 47 The proposed changes will be implemented by amending the Fisheries (Central Area Amateur Fishing) Regulations 1986.
- 48 MFish manages the national amateur paua fishery using two principle tools - a MLS of 125 mm shell length⁶ and a daily bag limit of 10 paua per person.
- 49 A discrete and sustainable paua fishery exists along the Taranaki coastline. Paua in this fishery attain a maximum size of about 90–100 mm shell length (commonly referred to as “stunted” paua). The fishery is part of the wider PAU 2 Quota Management Area (QMA) extending between Cape Runaway on the east coast and Tirua Point on the west coast of the North Island. The amateur fishery is managed as part of the Fishery Management Area 8 – Central (Egmont) that extends between Tirua Point and Titahi Bay.
- 50 The failure for paua in Taranaki to attain the national MLS prevents recreational fishers from lawfully utilising their local paua resource. Lawful access to the Taranaki paua fishery is presently restricted to fishers operating under customary fishing authorisations who are permitted to gather paua less than the MLS.
- 51 The inability of the recreational sector to lawfully gather paua in Taranaki contributes to a high level of offending. This is despite fisheries compliance expending resources to enforce the national MLS rule. The proposed measures allow the Taranaki community to use a highly valuable and sustainable paua resource. These measures do not affect the ability for tangata whenua to continue to issue customary fishing authorisations to gather paua.

⁶ Shell length is measured as the greatest length of the shell in a straight line parallel to the ventral surface. A national MLS of 125 mm also applies to the commercial sector.

- 52 Enabling a recreational paua fishery within the Taranaki region will impose additional risks to (i) maintaining the integrity of the national MLS, (ii) ensuring the local paua populations remain sustainable in the long-term, and (iii) mitigating the impacts of increased fishing effort on the customary fishery. This paper reviews the amateur daily bag limit and considers an area limitation on possession to address these risks.
- 53 The options presented in this paper are consistent with the purpose of the Fisheries Act 1996 ('the Act') to provide for sustainable utilisation and enable people to provide for their social, economic, and cultural well-being.
- 54 MFish is not reviewing the 125 mm MLS that applies to the commercial fishery at this time. This approach is considered appropriate as the application of a smaller commercial MLS may potentially impose significant compliance and sustainability implications for both the Taranaki region, as well as the PAU 2 stock. These implications are best addressed through the development of a paua fisheries plan. The relevant paua fisheries plan will include the Taranaki commercial paua fishery, which is expected to commence in three years time.

Proposal to shorten the closed season for commercial fishing in the CRA7 Otago Rock Lobster fishery

- 55 MFish is seeking tangata whenua and stakeholder views on a request to shorten the closed season for commercial fishing in the CRA 7 Otago rock lobster (CRA 7) fishery – refer Figure 1. MFish received the request from the Otago Rock Lobster Industry Association (ORLIA).
- 56 Currently, CRA 7 is closed to commercial fishers for seven months (from 20 November to 20 June inclusive of both days). ORLIA have asked that the closed season be reduced to four and a half months (from 20 November through to 31 March inclusive of both days).
- 57 ORLIA state that shortening the closed season would enable commercial stakeholders to maximise the value obtained from the harvest of CRA 7 rock lobster. A longer fishing season would provide commercial fishers with more opportunities to target their fishing effort towards times when rock lobster return high market prices.
- 58 A shorter closed season is not likely to affect sustainability of CRA 7 as no change to the way sustainable catch limits are set in the fishery are proposed. ORLIA has sought to minimise impacts on customary and recreational fishers by avoiding overlap with the popular non-commercial fishing season, which is thought to be in summer-autumn.
- 59 MFish invites tangata whenua and stakeholders to provide information on the proposal for consideration in developing final advice to the Minister of Fisheries. In particular, MFish invites customary and recreational fishers to provide

information on the effect, if any, of shortening the closed season on customary and recreational fishing values.

Pukerua Bay – prohibition of all fishing methods except hand-line fishing

60 This paper proposes two management measures to ensure the long-term protection of fisheries resources within Pukerua Bay, Wellington. These measures are:

a) **Interim measure:**

Consult on a request from Te Runanga o Toa Rangatira (Ngāti Toa) for a new temporary prohibition (under s 186A of the Fisheries Act 1996) on all fishing methods, except hand-held line fishing, in Pukerua Bay, Wellington from 7 June 2009 for a one-year period (expiring 6 June 2010); and

b) **Long-term measure:**

Introduce a fisheries regulation that prohibits all fishing methods, except hand-held line fishing, in Pukerua Bay commencing 1 October 2009 for a five-year period (expiring 30 September 2014).

61 MFish seeks tangata whenua and stakeholder feedback on this twofold proposal.

62 If the Minister of Fisheries (the Minister) approves this proposal, he accepts both interim and long-term measures.

63 Pukerua Bay is an area that has been subject to intense fishing pressures because of its ease of access and proximity to the Wellington metropolitan area. The effects of this fishing pressure has caused significant localised depletion of many fisheries resources, particularly paua and kina. This has adverse effects on the use and management practices of Ngāti Toa in providing for their customary needs.

64 In response to these concerns, Pukerua Bay is currently subject to a s 186A temporary prohibition⁷ on all fishing methods, except hand-held line fishing. The Minister twice reinstated the prohibition since 2002 expiring 7 June 2009. Reopening Pukerua Bay to fishing will subject the main fisheries resources in the bay to intense fishing pressures again.

65 Ngāti Toa has customary interests in Pukerua Bay. Ngāti Toa considers Pukerua Bay to be a highly significant area.

66 Ngāti Toa wishes to manage the fisheries resources in Pukerua Bay under the Fisheries (Kaimoana Customary Fishing) Regulations 1998 (Kaimoana Regulations) in the long term. Issues regarding disputed rohe moana boundaries prevent Ngāti Toa from applying these provisions at this time. As a result, Ngāti

⁷ Fisheries (Pukerua Bay Temporary Closure) Notice 2007

Toa, with full support from Pukerua Bay Residents Association, requests further long-term protection of Pukerua Bay.

- 67 Ngāti Toa also requests a new temporary s 186A prohibition on all fishing methods, except hand-held line fishing, from 7 June 2009 for a one-year period. This measure provides continued protection to Pukerua Bay during the intervening period in advance of the proposed five-year regulatory prohibition.
- 68 The proposed regulation provides for the use and management practices of tāngata whenua in the long term. The proposed s 186A temporary prohibition provides the same protection during the intervening period between expiry of the s 186A prohibition (7 June 2009) and the proposed regulation commencing 1 October 2009. MFish considers the use of a fishery regulation provides a more appropriate means to manage fisheries resources in Pukerua Bay in the long term rather than continuing to apply the s 186A provision that provides for short-term temporary situations.

Milford & Doubtful Sounds – proposal to extend the Blue Cod amateur fishery closures

- 69 Milford and Doubtful Sounds (Figure 1), which lie within the Fiordland Marine Area, have been closed to amateur fishing for blue cod (*Parapercis colias*) since 30 June 2005. The closures resulted from the concerns of the Fiordland Marine Guardians (the Guardians) about localised depletion due to fishing pressure.
- 70 The Guardians have recommended to MFish that the existing four year closures of Milford and Doubtful Sounds to amateur blue cod fishing be extended for a further period of one year, to the 29 June 2010. They are currently due to end on 29 June 2009.
- 71 Blue cod stocks in the closed areas have been monitored during the existing closures and, at the date of writing, four summers' data have been collected. The results of the monitoring do not show any clear trend in blue cod abundance over the course of the closures. No baseline data are available for either area immediately prior to the closures, and it may be too soon for any improvement in abundance to have occurred.
- 72 Data from the marine reserve (Piopiotahi) in Milford Sound indicate that fish may be larger and more abundant there than the (more recently closed) remainder of Milford Sound. No rigorous statistical analysis has been done to confirm this as there is not yet enough data. But, the data suggest that improvement in blue cod abundance is possible.
- 73 The Guardians' recommendation to extend the closures will enable a further year's data to be collected. They hope that this will lead to a better understanding of the blue cod stocks in Milford and Doubtful Sounds and, consequently, better informed management decisions. An extension of one year would also coincide

with the review scheduled for 2010 to determine the effectiveness of the overall management of the Fiordland Marine Area.

- 74 MFish's initial position is to support extending the closures, but without specifying an end date. MFish considers that for any recovery of blue cod stocks to occur, it is likely to require a longer closure than the Guardians have recommended, but how long is unknown. An open ended closure allows for the areas to be reopened in the future when monitoring results shows the stocks have either recovered sufficiently or will not improve further.
- 75 MFish seeks stakeholders' views on whether to extend the closures, and if so, for how long.

Offences and penalty provisions for breaches to reporting requirements

- 76 MFish is proposing various amendments to the Fisheries (Reporting) Regulations 2001 (the reporting regulations) and the Fisheries (Infringement Offences) Regulations 2001 (the infringement regulations) to correct penalty and offence provisions for breaches to reporting requirements. No increases in existing penalty levels are proposed. By removing existing omissions and inconsistencies in the regulations, the objective of these changes would be to contribute to the credibility of the regulatory and fisheries management framework, ensuring that an adequate deterrent against offending is maintained.
- 77 At present there are various omissions and inconsistencies in the offence and penalty provisions for reporting requirements which may be undermining the integrity of these obligations and their role within the fisheries management framework by creating loopholes. These inconsistencies include:
- lack of infringement offences for breaches of certain provisions,⁸
 - lack of offences and penalties for certain provisions, and
 - existing offences and penalties set at inappropriate and inconsistent levels.
- 78 The changes proposed under Option 2 intend to correct these issues. Subject to the outcomes of consultation and the Minister's approval, the proposed changes would take effect on 1 October 2009.

⁸ Section 2 of the Fisheries Act 1996 defines an infringement offence as "an offence prescribed as an infringement offence against this Act by regulations made under s 297(1)(na)." Infringement offences allow MFish to issue infringement notices for breaches to certain requirements.

Correction of coordinates and description errors in Central Area regulations

- 79 MFish has identified a number of errors in the area descriptions used in fisheries regulations. MFish proposes to redress these historical inaccuracies by amending such incorrect descriptions. The Challenger Fisheries Management Area was the first area to undergo such a review during the October 2008 regulatory round. Since then the Southland & Sub-Antarctic area has also been redressed and MFish now proposes to review the Central Area regulations. This step is being undertaken in conjunction with earlier changes to regulatory drafting procedures that were aimed at ensuring that future area descriptions were fully accurate.
- 80 In total, 35 errors were identified in the Fisheries (Central Area Amateur Fishing) Regulations 1986 and the Fisheries (Central Area Commercial Fishing) Regulations 1986. The majority of these errors were relatively minor but three errors were deemed significant enough to merit the full consultative process and have, therefore, been included in this IPP. The areas in question are:
- a. Cape Kidnappers
 - b. North Entrance to Porirua Harbour
 - c. Cape Runaway
- 81 The other errors will also be put forward to the Minister for correction in unison with those being proposed in this paper. Any changes made to these regulations will be communicated to fishers to ensure that the best and most recent information is readily available.
- 82 The affected closures and restrictions were previously approved by Cabinet to achieve a desired objective, which has now been compromised by incomplete or inaccurate area descriptions. The current level of uncertainty has resulted in less than optimal management of these areas. The problem is also a threat to the credibility of the fisheries management regime, needlessly hindering the Ministry's strategy of maximising voluntary compliance and maintaining an effective deterrent.
- 83 Two options are being proposed for consideration by the Minister; to retain the status quo or amend the errors identified. Of those two options, only the latter addresses any of the concerns described earlier in a meaningful way.

Regulatory amendments to support electronic provision of catch and effort returns

- 84 MFish proposes amending the Fisheries (Reporting) Regulations 2001 (the Reporting Regulations) to enable fishing permit holders and High Seas permit holders to complete and provide their catch effort returns electronically.

85 MFish is aware there is general support within the fishing industry for such a proposal and is confident that the technological capabilities exist to enable such a regime to be in place by 1 October 2009. This proposal deals with the regulations that support the technology and necessary process. Other legislative amendments would occur separately.

86 Currently, around 170,000 catch effort returns are received annually by FishServe. MFish believes that allowing permit holders to complete and provide catch effort returns electronically could result in cost savings for Industry by eliminating or reducing the need for each return to be scanned and subjected to the data entry process.

87 MFish also believes that electronic catch effort reporting is likely to result in better quality and more timely information being available to MFish, provided a robust legal framework and process is also in place. This would better inform fisheries management decisions as well as assisting with such things as the MFish Compliance business group's risk management approach.

88 The Reporting Regulations currently support a paper-based regime; the legislative framework to support the electronic transmission of returns proposed by MFish is a chief executive approval under section 296(1) of the Fisheries Act 1996 (the Act) and includes changes to the Reporting Regulations.

89 MFish believes that the proposed regulatory amendments can be broken into two broad categories.

90 Firstly, administrative regulations will need to be created to:

- Require authorised users of the electronic process to be registered;
- Enable a software approval process;
- Prescribe alternative reporting requirements in the event that the electronic option is temporarily not available;
- Ensure electronic systems operate effectively.

91 The second category of proposed regulatory amendments will deal with those aspects of electronic catch effort reporting that differ from paper-based reporting, including:

- Altering the timeframes for provision of completed catch effort returns;
- Whether electronic catch effort reporting should be voluntary or become mandatory for some or all permit holders or vessels over time.

MFish welcomes written submissions on the proposals contained within the IPP. **Written submissions are due by Monday, 6 April 2009** and should be posted to Tracey Steel, Ministry of Fisheries, PO Box 1020, Wellington. Alternatively, electronic submissions can be emailed to tracey.steel@fish.govt.nz.

Finally, we note that all submissions that are received for the purposes of the regulatory measures process are publicly available under the Official Information Act 1982. Should any person or organisation wish for any information contained in their submission to be withheld under the Official Information Act 1982, the grounds for withholding the information must be provided in the submission.

Naku noa na

David O'Dea
Acting Manager - Regulatory and Information