

REGULATORY IMPACT STATEMENT

East Otago Taiāpure– Local Fishery: Requirement to Stay with Set-nets

Executive summary

The East-Otago Taiāpure-Local Fishery Committee has recommended to the Minister of Fisheries that fishers be required to remain in attendance with their set nets when fishing within the East Otago Taiāpure-Local Fishery area.

The measure is aimed at reducing the incidence of un-retrieved set nets within the taiāpure-local fishery. Such nets unselectively ‘ghost fish’ an area and can entangle seabirds and marine mammals.

There will be some lost recreational fishing opportunities within the taiāpure-local fishery as a result of this requirement. Some recreational fishers believe this cost could be reduced by exempting estuaries from the proposal. The management committee believes the benefits of including the estuaries outweigh the costs.

This Regulatory Impact Statement (RIS) has addressed all relevant aspects of the RIS requirements contained in Cabinet Office Circular CO (07) 3. Where a requirement has not been addressed it is considered to be not relevant to this proposal.

Adequacy statement

This Regulatory Impact Statement has been reviewed by the Ministry of Fisheries’ (MFish) Regulatory Impact Analysis Review Committee and is considered adequate according to the criteria agreed by Cabinet.

Status quo and problem

The Fisheries Act 1996 allows a taiāpure-local fishery management committee to recommend to the Minister of Fisheries the making of regulations for the conservation and management of fish, aquatic life, or seaweed in the taiāpure-local fishery.

Having observed set net fishing practices since the establishment of their taiāpure-local fishery in 1996, the East Otago Taiāpure-Local Fishery Management Committee is concerned at the occurrence of un-retrieved set nets. Such nets unselectively ‘ghost fish’ an area, depleting reef and other fish and potentially entangling seabirds (including penguins) and marine mammals.

Such practices have been observed to occur predominantly during the holiday period. Inexperienced set netters using small craft are unable to retrieve nets they have set, due to changed weather conditions. In these circumstances, nets are often left for several days till the weather improves, or are lost when strong tides and the exposed aspect of the taiāpure-local fishery result in nets drifting.

Committee members have also observed that leaving set nets for an extended period of time results in sea-lice and other damage rendering fish inedible.

The committee wishes to address these issues and has recommended a regulation requiring commercial and non-commercial fishers to stay with their set nets when fishing within the East Otago Taiāpure-Local Fishery.

Objectives

The National Fisheries Outcome is “*the value New Zealanders obtain through the sustainable use of fisheries resources and protection of the aquatic environment is maximised*”.

The Fisheries Act 1996 allows for the establishment of a taiāpure-local fishery and a committee of management (Part IX). The object of this part of the Act is to: “*...make...better provision for the recognition of rangatiratanga and of the right secured in relation to fisheries by Article II of the Treaty of Waitangi.*”

The specific objective of the proposal is to reduce the effect of fishing on the aquatic environment. This fits under the objective “*Health of the aquatic environment protected*”.

Alternative options

The following alternative options have been considered:

- A voluntary approach to reduce unattended set netting
- A prohibition on overnight set-netting
- Exempting estuaries from the proposal.

A voluntary approach could be effective at reducing unattended set netting if all fishers involved were resident near the taiāpure-local fishery area. However, most fishers are holidaymakers or inexperienced fishers travelling for a day’s fishing from Dunedin. Therefore, a wider programme of education and information and enforcement under a regulatory prohibition is likely to be more effective.

An overnight prohibition on set-netting is a feasible alternative. However, it is potentially a more restrictive approach, and one that may be more difficult to enforce.

The management committee has considered excluding the estuaries within the taiāpure-local fishery from the measure, but has determined that this will reduce the effectiveness of the measure. Estuaries cover a large part (approximately one-third) of the taiāpure-local fishery, and risks remain in terms of unattended set netting in the estuaries, particularly within strong tidal channels at the mouth of the estuaries. Furthermore, exempting the estuaries from the requirement will create confusion and complexity, reducing the effectiveness of the prohibition.

Preferred option

The preferred option is a regulation requiring commercial and non-commercial fishers to stay in attendance with their set nets when fishing anywhere within the East Otago Taiāpure-local Fishery.

There will be some lost recreational fishing opportunities within the taiāpure-local fishery as a result of this requirement. Recreational fishing clubs represented by the Otago Marine

Recreational Fishers Association consider this cost could be reduced by exempting estuaries from the proposal. The management committee believes the benefits of including the estuaries outweigh the costs and that recreational fishing opportunities will not be significantly affected by the requirement to stay in attendance with the set net. Drag netting and spearing, common methods for flounder fishing in the estuaries, are unaffected by the proposal.

Any additional time required to monitor the measure would need to be accommodated within existing MFish fishery officer activities taking place in this fishery.

Implementation and review

It is proposed the regulation be included in the Fisheries (South-East Amateur Fishing) Regulations 1991 with penalty/offence provisions to be set the same as other gear restrictions (i.e. inadequate openings on rock lobster pots).

Publicity and updating of fishery information signs within the taiāpure-local fishery will be necessary to ensure that fishers are aware of the requirement.

Ensuring compliance with the requirement to stay with set nets will require that operators and stakeholders are aware of, and preferably support, the restriction. Compliance will be more effective if the area where the requirement is in place is clearly identifiable.

Consultation

The management committee is made up of representatives from the East Otago Boating Club, Kāti Huirapa Rūnanga ki Puketeraki, Karitane Commercial Fisherman's Cooperative, Otago Marine Recreational Fishers Association and the University of Otago. Members have taken this proposal back to the groups they represent for endorsement. It has been endorsed by all groups represented on the committee with the exception of the Otago Marine Recreational Fishers Association.

The recommendation was subsequently notified in the Otago Daily Times, sent to interested parties and posted on local notice boards. MFish and the committee have also discussed the recommendation at relevant iwi and recreational forums. No submissions have been received on the recommendation. Discussions with stakeholders have been generally supportive of the proposal.

Departmental consultation was also carried out with Ministry of Justice, Ministry for the Environment, Te Puni Kokiri, Ministry of Economic Development, the Treasury, and Department of Conservation.