

Regulatory Impact Statement

Statement of the nature and magnitude of the problem and the need for government action

The Fisheries (Amateur Fishing) Regulations 1986 contain a provision allowing fish to be taken for hui, tangi, or other approved purposes subject to appropriate authorisation. This fish must be taken in accord with the conditions placed on the authorisation by the issuer and is not constrained by normal amateur fishing provisions. There is however no offence provision for illegal authorisations made under these regulations.

Without regulatory amendment and the creation of an offence provision there will be no incentive for a party not to continue illegally issuing such authorisations. This type of illegal activity can undermine both local fisheries management initiatives and legitimate customary fishing practices.

This proposal only affects individuals who breach legislative requirements relating to the issuing of these specific customary fishing authorisations.

Statement of the public policy objective(s)

To better provide for the effective utilisation of fisheries resources while ensuring sustainability.

Statement of feasible options (regulatory and/or non-regulatory) that may constitute viable means for achieving the desired objective(s)

Status Quo

Without regulatory amendment and the creation of an offence provision there will be no incentive for a party not to continue illegally issuing such authorisations. The only person who can currently be held accountable is the fisher in situations where catch exceeds normal amateur regulatory requirements.

Non-Regulatory Options

There are no non-regulatory options

Preferred Option - Amend Fisheries Regulations

Amending the Fisheries (Amateur Fishing) Regulations to create an appropriate offence provision will allow prosecutions to be brought against the issuer of illegal authorisations and ensure the appropriate accountability for illegal actions. It will also provide a disincentive to issuing such authorisations.

Statement of the net benefit of the proposal, including the total regulatory costs (administrative, compliance and economic costs) and benefits (including non-quantifiable benefits) of the proposal, and other feasible options

Government

There will be no increases in the costs to Government from these proposals. Work would continue to be covered in current Ministry baselines.

Environmental /Sustainability

All fisheries for which customary fishing is carried out will benefit as harvesting will be carried out in a more sustainable manner, helping to ensure the health of the fishery for on-going sustainable utilisation.

Iwi

Iwi will benefit from the proposals, as they will serve to reduce any potential impact on local fisheries and will support customary management initiatives.

Statement of consultation undertaken

Consultation information on this, and a range of other proposals, was released to more than 850 stakeholder groups and individuals, particularly iwi and authorising agents. Additionally Ministry of Fisheries staff discussed the proposals at opportune meetings.

Thirty-four written responses were received as well as feedback from meetings attended by Ministry staff. Most responses regarding the proposed amendments acknowledged that any abuse of customary fishing rights and its potential impact on local fisheries was of concern. The majority of submissions that identified a position supported the proposals.

Consultation was also undertaken with Ministry of Justice, Ministry for the Environment, Ministry of Economic Development, Te Puni Kokiri, the Treasury, and Department of Conservation. Their comments have been taken into account in the final preparation of the proposals in this paper.