

8 November 2006

File Ref: 8/22/1

Dear Stakeholder

DRAFT FISHERIES STANDARDS

The purpose of this letter is to invite your comment on the first three draft fisheries standards. Attached to this letter are the three draft standards and an overview document outlining the role of standards in the fisheries management framework. This letter also contains an overview of each of the four documents.

Fisheries standards are a key component of the objectives-based management approach being implemented by the Ministry of Fisheries (MFish). MFish is developing 20 key standards, with the aim of having them in place by 1 October 2007. A list of the 20 standards is attached as Annex I.

MFish is seeking an open and collaborative engagement with tangata whenua and stakeholders on the draft standards. It is in all our interests to develop standards that meet the needs of credible fisheries management in New Zealand, and the needs of all those who derive value from our fisheries. At the conclusion of the consultation period MFish will review the draft standards in light of the feedback received. Subject to the nature of the feedback, we may undertake further consultation.

The Minister of Fisheries will then be asked to approve the standards. The approved standards will be implemented primarily through fisheries plans.

Outlined below are overviews of each of the attached documents. A full description of standards definitions and each of the draft standards can be found in the appropriate document.

Standards Definition

The main purpose of fisheries standards is to establish clear, specific, measurable statements of results required to achieve fisheries outcomes. Standards fulfil three main functions:

- *Guidance* – each standard will outline Government’s position on the minimum level of performance expected from a fishery and the processes used to manage fisheries

- *Consistency* – Standards will ensure a consistent approach is taken across fisheries
- *Monitoring* – Standards will enable both Government and stakeholders to track the performance of management strategies

Standards do not preclude tangata whenua and stakeholders aiming for a higher level of performance. Standards may be set for ecosystems and fisheries, as well as for management activities. They may be expressed as a qualitative description, or a number, or as criteria to determine how a numerical value will be arrived at.

Standards do not have the weight of law, but rather are statements of policy by the Minister of Fisheries on how legal obligations can be met.

We are developing two types of standards:

- *Process standards* – Primarily define the minimum acceptable practice for processes to achieve desired outcomes
- *Performance standards* – Set the minimum level of performance in respect of specified components of ecosystems

Standards will be reviewed periodically to ensure that they are set at an appropriate level of detail and are only as restrictive as is necessary. However, where a standard is defined by statutory requirements, the standard cannot be changed without legislative change.

Harvest Strategy Standard

The Harvest Strategy Standard requires that target, threshold, and limit reference points be set for all QMS fishstocks. The Standard prescribes the performance levels that must be met but is relatively flexible about assessment of the range of possible factors that might contribute to a particular target level for an individual stock.

Most importantly, the Standard will provide for greater consistency and transparency in the management of New Zealand fisheries. It will inform the public about the state of fishstocks. For the seafood industry there will be greater long-term certainty. A standards-based approach will also enhance the likelihood of more New Zealand fisheries being able to be certified as environmentally sustainable.

The Standard provides an opportunity to increase the level of confidence that fishstocks are being managed sustainably. It reflects a growing trend internationally toward using explicit target and limit reference points. It is also consistent with trends to manage fishstocks at higher biomass levels, shifting the balance between sustainability and short-term economic gain. A more cautious approach may result in lower catch limits in some instances, but will increase the likelihood that fishstocks are sustainable in the long-term – even in the face of possible, as-yet-unknown, environmental changes.

MFish considers that the Harvest Strategy Standard is an important step towards ensuring the long-term sustainability of New Zealand's fisheries.

Consultation Standard

The Ministry interacts with stakeholders in a variety of ways:

- Providing for input and participation of tangata whenua
- Engagement with stakeholders in development of policy frameworks and/or fisheries management options
- Consultation on options developed by the Ministry

The Consultation Standard sets out how MFish will meet minimum requirements under s 12 of the Fisheries Act 1996 (the 1996 Act) to consult with fisheries stakeholders before making decisions relating to a range of fishery management issues.

The purpose of this standard is to ensure quality and consistency across all MFish business groups when consulting with fisheries stakeholders. It contains performance measures where appropriate (such as minimum periods for consultation), to enable monitoring against the standard.

This Standard covers such matters as:

- The identification of persons and/or groups for stakeholder consultation
- Development of a consultation plan that will (among other things) summarise the proposed measures so that stakeholders can make an informed decision on whether (or the degree to which) they may be affected
- The format of consultation
- The minimum timeframes for consultation
- Review and monitoring

We had intended to release the draft Input and Participation of Tangata Whenua Standard at the same time as the draft Consultation Standard. However, development of this standard has proven complex given the lack of legal precedents and historic policy associated with input and participation. The development of the Input and Participation Standard is a high priority and we are working towards releasing the draft standard for in December.

Quota Management System (QMS) Introduction Standard

The Quota Management System (QMS) Introduction Standard is a process standard relating to priority-setting for consideration of non-QMS stocks for introduction to the QMS. It defines a system for ensuring the transparent and consistent administration of the annual QMS introduction process to fulfill statutory obligations under s 17B of the Act.

The Standard is designed to reflect the legislative obligations to introduce a stock into the QMS if the existing management framework is not ensuring its sustainability or providing for its utilisation.

The Standards does not determine whether a stock meets the legislative criteria for QMS introduction. That is for the Minister to determine, based on advice from the Ministry and after consultation with stakeholders.

The Standard is designed to produce an annual QMS introduction schedule. The schedule will be produced by examining stocks currently managed outside the QMS against the legislative criteria

contained in the Act under a risk assessment framework. The risk assessment process at the core of the Standard conforms to the Australian/New Zealand Risk Management Standard¹.

The Introduction schedule will be in the form of a three-year rolling list. The Introduction Schedule for the first year will reflect the stocks that will be considered in the next QMS introduction round. The two 'out' years will be indicative of the stocks that will be considered in the subsequent two rounds.

Consultation Plan

Consistent with the draft Consultation Standard, MFish has developed for tangata whenua and stakeholder consultation on this group of draft standards. The key elements and milestones in the plan are set out below:

- MFish is seeking either generic or specific comments on the three draft standards. MFish is not seeking comment on the concept of standards, or the definition of terms.
- Stakeholder submissions on the draft standards may be made in written form (hard copy or e-mail), or orally. MFish representatives are available to meet to discuss the standards with commercial, recreational and customary representatives in the regions, either in existing forums (eg, fisheries liaison meetings, regional iwi forums) or other arrangements as appropriate.
- MFish is allowing about 12 weeks for consultation on these papers (excluding the Christmas/New Year period between 20 December and 10 January). The deadline for stakeholder comments is 28 February 2007.
- Following the deadline for submissions, MFish will analyse stakeholder feedback. We will undertake consultation if warranted.
- Once consultation on the draft standards is complete, the Minister of Fisheries will be asked to approve the standards, taking into account stakeholder feedback.
- Submitters will be informed of the final decisions on the drafts by letter or e-mail and the final versions of the standards will be posted on the MFish website.

Should you wish to discuss any aspect of fisheries standards, please contact one of the following Operations staff at the MFish office closest to you.

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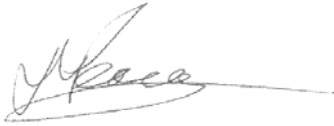
¹ AS/NZS 4360:2004

Please send your written comments to –

Tracey Steel
c/- Ministry of Fisheries
P O Box 1020
WELLINGTON
or tracey.steel@fish.govt.nz.

MFish will be consulting with tangata whenua and stakeholders on the remainder of the draft standards over the next year.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Peacey', with a long horizontal flourish extending to the right.

Jonathan Peacey
National Manager Fisheries Operations
Ministry of Fisheries

Annex I

Standards proposed to be in effect by 1 October 2007

- Allocation
- Benthic impact
- Consultation
- Deemed value
- Engagement with stakeholders
- Input and participation
- Environmental scan
- General standards framework
- General standards framework
- Governance and representation
- Hector's/Maui dolphins
- Non-QMS
- Purchase
- Reporting
- Rule and tool choice
- Seabird
- Sealions
- Service delivery
- Shark
- Stock (Harvest Strategy)