

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

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Output Class 5: Enforcement of Fisheries Policies

Compliance (or lack of it) is the single biggest issue the paua industry has.

Each year the PAU2 Industry Association participates in Shellfish Working Groups and Research Coordinating Committee meetings. Stock assessment models and TACC's are tinkered with. An enormous amount of time and energy is put into these processes. The end results are adjustments measured in tens of tonnes while the single biggest adverse impact on the paua fishery goes on unabated. The effects of poaching on the paua fishery go unconsidered in these Shellfish Working Group and Research Coordinating Committee forums and yet poached paua is measured in hundreds of tonnes. This does not make sense to us.

The size structure of illegally taken paua in the Wellington region has changed. MFish compliance officers report that 75% of this poached paua is now undersized¹ and conservationists report 95% of empty shells found are undersized². What does this mean? Neil Andrew of NIWA says³ that assuming the size structure of the poached fish reflects the size structure in the wild, this means the Wellington paua fishery (closed to commercial harvesting since 1974 due to perceived over fishing), is in the most extreme, on the brink of collapse.

Is the collapse of fisheries a Ministry objective? Of course not. The Fisheries Services consultation document clearly states one of the core roles of the Ministry **is to ensure ecological protection and sustainability**. Other key roles are **enabling efficient resource use** and **ensuring the integrity of management systems**.

How well is the Ministry doing? In relation to poaching and paua the Ministry is failing spectacularly. Our belief is that the Ministry is totally lacking commitment in the area of black market and poaching and evidence abounds that this is the case.

The Briefing Paper for the Incoming Minister dated August 2002 comprises 68 pages and has detail on all sorts of things except black market and poaching – not one single reference. That is the level at which this Ministry views black market and poaching – it's not even worthy of a mention to the Minister.

¹ Seafood NZ - November 2003 – pages 46-47 “Plunder down Under”

² Dominion Post – 12 February 2004 – front page

³ Telephone conversation February 3, 2004

And what sort of commitment is shown when your hard working and frustrated fishery officers follow poached paua on multiple occasions to Auckland and the recipient factory is deemed to be too politically sensitive for any punitive action to be taken?

What hope is there for improved performance when the CEO, Warwick Tuck, impudently says that “Fisheries compliance is highly effective in New Zealand and the public and the fisheries sector should be in no doubt about that”⁴. An extraordinary statement given that his national compliance manager estimates that nearly the same amount of paua is poached as is caught commercially⁵ and that the Mahia area is now considered “hostile territory”⁶ and has been abandoned to the poachers. Wood’s non-confrontation strategy⁷ is a disaster and will lead to a proliferation of “hostile territory”. The poachers are winning and New Zealand as a whole is the loser.

The compliance group is like a secret walled city; it’s a sacred cow that is protected from scrutiny and accountability. It lacks strategic planning, has no underlying foundation of proven management regimes and expenditure is not linked by any cost benefit analyses. Expenditure by way of compliance output classes is totally inappropriate. Isolating resources in silos does not work. Resources must be easily directed to where they are needed most.

But where are these resources needed most? Last year we were told in the Fisheries Services forum⁸ “The Ministry does not have an estimate of illegal paua harvest for the PAU2 area”. What an extraordinary admission, how can resources be allocated effectively without such basic intelligence? This year we are told⁵ “Estimates have not been made by fishery or by commercial, recreational or customary sector”. Again, how can compliance resources be effectively targeted without this basic information? How can anyone have confidence in stock assessments or sustainability without inclusion of 965 tonnes of poached paua?

Daryl Sykes from the Rock Lobster Industry Council says 400 tonnes of rock lobster are poached each year. The combined value of poached paua and rock lobster is therefore around \$50M and the ratio of thievery versus compliance expenditure is 10:1.

Looking at the silo containing \$7.76M for Commercial Fishing Rules Enforced and applying the same cost benefit ratio, one would expect commercial thievery to be around \$80M per annum. Ridiculous!

We put it to you that commercial fishing rules are virtually self policing in the high value fisheries due to the extreme penalties contained in the Fisheries Act and that senior MFish management are still of the pre Quota Management System mindset that all commercial fishermen are fish thieves.

⁴ Press Release December 02 2003 1509hrs

⁵ Answer to Question 4 – Proposed Fisheries Services 2004/05 “The Ministry’s current estimates of illegal take of paua, 965 tonnes greenweight pa, is a National figure ...”

⁶ MoF Public meeting – Waimarama - February 2004

⁷ Personal comment from a Fisheries Officer – January 2004

⁸ Answer to Question 49 – Fisheries Services 2003/04

The modern commercial fisherman is a businessman with considerable capital invested in vessels, vehicles and quota. If he steps out of line he loses his livelihood and all his business assets. The risk is too great. The cowboys have long gone from the industry. Compliance must be refocused where it will have the greatest beneficial impact.

It's now ten years since the Paua Liaison Committee (headed by Jonathan Peacey) tried to find a solution to control rampant paua poaching with an industry levy to fund additional compliance resources but they were rebuffed. The paua industry is today uniting under a structure similar to that of rock lobster and will no longer tolerate endemic poaching.

Despite the reservations of the Compliance Manager⁹ the commercial fishing industry has worked successfully with the Ministry on many issues. Open the gates to the walled city and let industry help be part of the solution.

Effective control of black market and poaching could lay within a multidisciplinary task force with personnel and resources seconded from the police, SIS, customs, army, navy and airforce. Poachers and the gangs or triads that control them are effectively eco-terrorists, looting \$50M per annum of fish from the public domain. The anti-terrorist capability this country has developed should be utilised without constraint to eliminate this scourge.

Our submission on Fisheries Services made last year (covering similar ground as this year) was completely ignored. Suggested initiatives and pleas to work together consigned to the dustbin, it was business as usual. Well business as usual for the compliance group this year is not an option.

Today's paua industry is determined to get poaching stamped out and we will work with the Ministry or against the Ministry – the choice is yours.

Tools available: Auditor General, State Services Commission, Opposition Parties, Media, Iwi, Recreational Sector, NGO's, Documentary, Private Compliance Agency funded by CSO levy.

Appendix

Desperately needed projects that should have been included in the Proposed Fisheries Services Document for 2004/05 were conspicuous by their absence. These include:

- Establishing reliable estimates of the level of illegal take for high value fish stocks in all QMA's. This is critical both from a stock assessment perspective and so as to provide a benchmark for monitoring enforcement effectiveness. This information will also be required for inclusion in fisheries plans and stock strategies.
- Establish databases to be used to monitor compliance in recreational, customary and commercial fisheries. Database information will need to include the number of patrol hours, inspections, offences by type and species, case management hours, warnings, infringement

⁹ Answer to Question 6 –Fisheries Services 2004/05

notices, briefs of evidence, defendants, convictions, and the severity of penalties. Target levels of compliance need to be set, probably on a species basis.

- Fishery independent survey of paua in PAU2, between Turakirae Head and the Waikanae River mouth. There is a need to estimate the relative abundance and size frequency distribution of paua in this closed area to determine if recent observations of significant changes in size structure of illegal take indicates an imminent collapse of the Wellington South Coast paua fishery.