

INITIAL POSITION PAPER - TAGGING SCHEME FOR SOUTHERN BLUEFIN TUNA

Executive Summary

- 1 New Zealand is a Member of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). CCSBT is actively working towards a catch tracking scheme incorporating tagging of individual southern bluefin tuna. Such a scheme would help combat illegal, unregulated, and unreported (IUU) fishing. Length and weight information for individual fish would also provide valuable scientific data.
- 2 CCSBT has formally resolved to implement a catch tracking scheme, but has yet to agree on the detail of such a scheme. However, at the annual meeting in October 2007, Members voluntarily agreed to work towards such a scheme, and agreed it is desirable for all Members to trial tagging programmes.¹
- 3 MFish proposes to put in place the framework for requiring every southern bluefin tuna caught and killed on a commercial vessel to be tagged, weighed and measured. The requirement would apply to fishers on all New Zealand-flagged vessels (whether fishing in New Zealand's exclusive economic zone, or on the high seas), and foreign charter vessels operating in the domestic fishery. The regulatory framework would be coupled with specific instructions for tagging, measuring, reporting and recording requirements that would be issued by gazette notice (operative from 1 October 2008). Such instructions would be modified or updated from time to time as required. Consultation would occur on such instructions to be issued by gazette notice.
- 4 Putting the requirement in place in advance of a formal international agreement would allow time for fine-tuning of the system in New Zealand. It would also signal New Zealand's commitment to developing a full catch tracking scheme. Other Members (including Japan and Australia) have already implemented or are trialling tagging.
- 5 New Zealand intends to work with fishers on a voluntary basis before 1 October 2008 to trial tagging, to assist in developing appropriate specifications for a New Zealand domestic tagging regime. MFish understands that the majority of the domestic fleet already tag individual southern bluefin tuna, generally with a tag of the type used to tag cattle ears. Therefore trials would focus on developing a consistent method of tagging, and ensuring the tags used would be appropriate for a wide range of fishery situations (for example, could withstand freezing to minus 60 degrees Celsius, which would be necessary for freezer vessels).
- 6 New Zealand proposes to make any domestic regime compatible with any Australian tagging regime and, where possible, with the Japanese system currently in place. New Zealand intends to use the results of its domestic trials

¹ Report of the Fourteenth Annual Meeting of the Commission for the Conservation of Southern Bluefin Tuna. www.ccsbt.org/

to inform discussion on developing an appropriate tagging regime for all CCSBT Members. This in turn will help New Zealand to consider the benefits for fishers while contributing to the sustainability of the southern bluefin tuna fishstock.

- 7 The status quo is included as an option in this paper. Options for developing a New Zealand tagging system include requiring weighing and measuring of fish on land, at Licensed Fish Receivers (LFRs), or requiring fishers to weigh and measure fish at sea. MFish prefers the former option, because it is more practical, given the difficulties for smaller vessels that lack equipment for precise measurements at sea. However, other Members of CCSBT favour the latter option, because it more closely reflects their own practices. Under either option, provision would need to be made for vessels that catch southern bluefin tuna as an occasional bycatch. In such instances, tagging may also need to occur upon landing, rather than at sea.
- 8 Key issues to consider in relation to which tagging scheme to introduce, if any, include:
 - New Zealand's international obligations;
 - The importance of controlling fishing for southern bluefin tuna, which is currently below the biomass that can support maximum sustainable yields. While New Zealand's domestic fisheries already have a number of controls in place, there is a need to support additional measures that would be applied across the fleets of all CCSBT Members, in order to monitor the international market for this species.
 - The timing of the proposal (i.e. the need for regulations at this time);
 - The need to ensure the tagging system is practical and suits the characteristics of the New Zealand fleet.
 - How the proposal may meet with the purposes and principles of the Fisheries Act 1996.
- 9 MFish intends to work with fishers to ensure the tagging system is as practical and cost effective as possible. While some changes to fishing practices will be required, especially under Option 3, MFish considers the impacts on fishers can be minimised.
- 10 MFish is particularly interested in hearing from fishers about the relative merits of Option 2 (weighing/measuring at the LFR) or Option 3 (weighing/measuring at sea).

Regulatory Impact Analysis Requirements

- 11 This IPP has been deemed significant and a Regulatory Impact Statement (RIS) has been produced. This RIS has been reviewed by the Ministry of Economic Development's Regulatory Impact Analysis Unit.

The Issue

- 12 At present, a CCSBT Trade Information Scheme is used to collect data and monitor trade of southern bluefin tuna. The Trade Information Scheme also deters some IUU fishing, by effectively denying access to markets for southern bluefin tuna not accompanied by the relevant documentation.
- 13 Members of CCSBT are currently considering further development of this scheme. In particular, coverage is likely to increase from exported tuna to all tuna (including that which is traded domestically). Such a scheme would likely involve tagging of each southern bluefin tuna that is commercially caught and killed. Weight and length information would be recorded for each fish.
- 14 For high value species such as southern bluefin tuna, the risk of IUU fishing is high. In CCSBT, the management objectives of requiring commercial fishers to tag each southern bluefin tuna are to:
- increase the precision of estimates of total catches;
 - provide a tool to identify unlawful catch on the international market; and
 - provide length and weight information for individual fish for the CCSBT science process.
- 15 These objectives are achieved by being able to identify fish that have been caught legitimately (and blocking market access for other fish). Fishing that is IUU does not provide data to be used in stock assessments, so jeopardises the information base on which management decisions are made. IUU fishing also puts the sustainability of the fishery at risk, because it is generally in excess of the global catch limits agreed amongst Members of CCSBT. The inclusion of length and weight information for individual fish in the catch of southern bluefin tuna would substantially increase the power of stock assessment models.
- 16 CCSBT has not formally resolved for Members to implement a catch tracking scheme involving tagging. As such, New Zealand does not yet have any formal international obligation to implement a tagging scheme. New Zealand's domestic fishery is managed under the quota management system. Adequate data on southern bluefin tuna catches in New Zealand waters is already collected through domestic reporting and research.
- 17 MFish does not consider any additional risk to sustainability within New Zealand waters would arise because of failure to implement a tagging system at this time. However, the implementation of a tagging system should provide detailed data on individual fish that will improve the quality of data available for the science process and potentially reduce the current costs of sampling this fishery.
- 18 New Zealand is concerned about IUU fishing of southern bluefin tuna. MFish considers that a tagging regime would assist in addressing IUU fishing, and help ensure that the New Zealand fleet is complying with New Zealand's commitments to the CCSBT and the sustainability of southern bluefin tuna.

- 19 MFish is putting forward options to introduce a tagging requirement because it will bring New Zealand into line with other Members of CCSBT, and enable rapid implementation of any CCSBT decision (or unilateral implementation in the absence of an agreed CCSBT-wide scheme). Japan implemented a tagging system for its fishery in April 2006. Australia also intends to implement a catch tracking scheme that would include tagging of individual fish.
- 20 Introducing a tagging requirement at this time will also allow for more extensive trialling of tagging before a scheme is introduced across the Commission. This would allow New Zealand to provide feedback on the development of a scheme that is most likely to meet the needs of New Zealand fishers.
- 21 Once CCSBT makes a resolution on a catch tracking scheme, other regulatory changes are likely to be required (for example, controls to ensure no transfer or sale of southern bluefin tuna without a tag occurs; and a revision to the current trade information scheme documentation). The document on Guidelines for CCSBT Tags (Attachment 9 of the Report of the Fourteenth Annual Meeting of the CCSBT; see Appendix Two) provides further information on possible components of a comprehensive tagging scheme.

Summary of Options

Option 1 – Status Quo

- 22 No regulatory requirements for commercial fishers to individually tag, measure and record every southern bluefin tuna they catch and kill. However, MFish intends to work with fishers on a voluntary basis to trial and develop an appropriate tagging regime. Trials will occur before 1 October 2008.

Options 2 and 3

- 23 Both Options 2 and 3 propose changes to:
- the Fisheries (Commercial Fishing) Regulations 2001, to require fishers to tag each southern bluefin tuna they catch and kill;
 - the Fisheries (Recordkeeping) Regulations 1990, to require fishers to record individual length and weight measurements for every southern bluefin tuna they catch and kill, along with such other relevant information as the tag number and the number of the corresponding catch effort form.
 - the Fisheries (Reporting) Regulations 2001 to require fishers to report the information described above to the Ministry of Fisheries within a specified timeframe.
 - provisions for NZ-flagged vessels fishing on the high seas
 - provisions to prohibit trade and domestic sale of southern bluefin tuna not tagged and accompanied by relevant documentation

- offences and penalty provisions under Regulations 85 and 86 of the Fisheries (Commercial Fishing) Regulations 2001; Regulation 28 of the Fisheries (Recordkeeping) Regulations 1990; and Regulations 42 and 43 of the Fisheries (Reporting) Regulations 2001

- 24 Tags would be clearly identifiable as southern bluefin tuna tags.
- 25 Under either Option 2 or 3, provision would need to be made for vessels that catch southern bluefin tuna as an occasional bycatch. In such instances, tagging would need to occur upon landing, rather than at sea. LFRs would supply the tag, and would weigh and measure the fish. Fishers would be required to report this information to MFish as outlined above.

Option 2 – MFish preferred option: require commercial fishers to tag and record every southern bluefin tuna caught and killed; individual fish to be weighed and measured either by commercial fishers or by Licensed Fish Receivers upon landing

- 26 Require all commercial fishers subject to New Zealand’s jurisdiction to individually tag each southern bluefin tuna within a defined time period from the time they killed the fish. Fishers would be required to record length and weight of each tagged fish, along with the unique identifying number of the tag. The MFish preferred option (Option 2) is to allow measurement and recording of individual lengths and weights of tagged fish to occur at the LFRs to which the fish is landed, rather than by fishers on board the vessel.
- 27 The option would also be available for freezer vessels to measure and weigh fish at sea.
- 28 It is proposed that fishers would be required to report this information to MFish within the same timeframe as other reporting requirements (i.e. by the 15th of the following month), unless otherwise specified.
- 29 LFRs would be required to furnish information to fishers for the completion of tag reporting forms (i.e. length and weight information).

Option 3 – require commercial fishers to tag, measure and record every southern bluefin tuna caught and killed

- 30 Require all commercial fishers subject to New Zealand’s jurisdiction to individually tag each southern bluefin tuna within a defined time period from the time they killed the fish. Commercial fishers would be required to record at sea the length and weight of each tagged fish, along with the unique identifying number of the tag.
- 31 It is proposed that fishers would be required to report this information to MFish within the same timeframe as other reporting requirements (i.e. by the 15th of the following month), unless otherwise specified.

Rationale for Management Options

- 32 Options to require tagging of southern bluefin tuna are proposed under section 297 of the Fisheries Act 1996 (the Act), which allows for the creation of relevant regulations.
- 33 For CCSBT, the fisheries management objectives of tagging are:
- as an integral component of a monitoring, control and surveillance system, to enable ready identification of legitimately caught fish, and reduce incentives for IUU fishing to occur;
 - to contribute to overall fishery sustainability by helping ensure global catch limits are not exceeded as a result of IUU fishing; and
 - to improve available information on stock structure (i.e. the distribution in the catch of fish of different sizes), as an important input into stock assessment.
- 34 New Zealand has been a Member of CCSBT since the Commission came into effect in 1994. CCSBT's objective is to ensure, through appropriate management, the conservation and optimum utilisation of the global southern bluefin tuna fishery.²
- 35 The fisheries management objectives for New Zealand to implement tagging of southern bluefin tuna at this time are:
- to improve available information on stock structure, as an important input into stock assessment;
 - to ensure all New Zealand catches of this valuable fishstock are accounted for.
 - To ensure the sustainability of southern bluefin tuna
- 36 Key factors when considering the management options include the need for and timing of a tagging system for southern bluefin tuna. MFish considers there are advantages to introducing the requirement now, despite the lack of a formal international agreement to do so at this stage. The next annual CCSBT meeting will occur in mid October 2008. The focus of that meeting will be seeking agreement on a binding resolution establishing a catch tracking and tagging system. MFish expects such a decision in 2008 or 2009.
- 37 Introducing the requirement now could impose costs on commercial fishers that could otherwise be deferred for a year or two. However, introducing tagging would demonstrate New Zealand's commitment to deterring IUU fishing in the southern bluefin tuna fishery. Further, it would enable New Zealand to implement an anticipated Commission decision more rapidly. It would also provide opportunities to participate in fine-tuning of any overall catch tracking system, based on a longer period of trials and information and participation from stakeholders.

² Article 3 of the Convention for the Conservation of Southern Bluefin Tuna (www.ccsbt.org/)

- 38 Regulations allowing for commercial fishers to tag southern bluefin tuna could be put in place for 1 October 2008. MFish proposes that the regulations include a general requirement for fishers to tag, accompanied by more detailed instructions to be issued by the Chief Executive by gazette notice from time to time, as required. Such instructions would be consulted upon, and would be implemented from 1 October 2008.
- 39 This approach would allow New Zealand to unilaterally implement a domestic tagging system at this time (while working with other CCSBT Members such as Australia to ensure as much consistency as possible). The specifications in gazette notice could subsequently be modified, for example as a result of a formal resolution from CCSBT, or following more work with other Members. Stakeholders would be consulted on amendments to the specific instructions to be issued by gazette notice.
- 40 Impacts on fishers could include:
- additional logistic requirements (i.e. the need to obtain approved tags in advance of fishing, or follow the requirements to obtain a post-catch tag if southern bluefin was caught as a bycatch);
 - additional time required to process each fish;
 - the need to record and report an additional reporting form (although the form will be kept as simple as possible); and
 - potentially the need to obtain the necessary equipment to accurately weigh fish on board their vessel (Option 3 only).
- 41 Costs are likely to be minimal for fishers who catch southern bluefin as an occasional bycatch. If fishers land the fish, they would be required to obtain a tag from the LFR and fill in the relevant document. If the fish is eaten on board the vessel, fishers would nonetheless be required to report the individual length and weight of the southern bluefin tuna caught.
- 42 LFRs might also incur some administration costs associated with the scheme, although MFish understands that most fishers already tag individual southern bluefin, and LFRs already record and pass information about tagged fish on to fishers. The proposal would effectively standardise and formalise a system that is operating already, and in time ensure it is consistent with what other Members of CCSBT are doing.
- 43 Over the longer term, costs of a tagging scheme depend on decisions yet to be made about scheme administration. For example, a centrally-administered scheme where the CCSBT Secretariat distributed tags to Members could attract cost savings. The Secretariat has estimated costs of around 10 cents Australian per tag in this scenario. Smaller orders of tags could attract higher per tag prices (up to 60 cents per tag). Cost would also depend on the type of tag used (for example, conventional or machine-readable). MFish anticipates that approximately 6000 tags would be required annually for the New Zealand fishery.

- 44 Administration of the scheme would also have cost implications, again depending on the final form the scheme takes. Costs would include tag administration costs (i.e. distribution to fishers and LFRs); development of reporting forms; and establishing and maintaining a database to record information (including data entry costs). MFish expects these costs would be relatively low in the short term, because of the relatively low volume of catches in the fishery (the catch limit is 420 tonnes, but will move to 1000 tonnes over time). Moreover, some aspects of the scheme would involve modification to existing processes (i.e. the trade information scheme), rather than entirely new requirements.
- 45 Additional costs would be involved under Option 3, because individual fishers would be required to buy equipment to weigh and measure fish on board their vessels. Under Option 2, LFRs would already possess the necessary equipment.
- 46 Over time, the costs of tag production and administration of the scheme will be cost recovered.

Consultation

- 47 Some discussion has already occurred with commercial fishers likely to be affected. MFish is aware that many fishers already tag individual southern bluefin tuna (for example in order to record relevant information for markets). The recording of individual fish weights is also a standard market practice. Further discussion and trials will occur in relation to effective methods for tagging (e.g. materials, location of tag).
- 48 If Option 2 or 3 is chosen, all surface longline fishers will be contacted in writing to inform them of the new requirements. Other interested parties (such as LFRs, and fishers who may take southern bluefin tuna as a bycatch, such as squid fishers) will also be notified of any requirements resulting from the regulatory measures.
- 49 MFish invites fishers to provide additional information on the logistics of tagging every southern bluefin tuna caught and killed. MFish is particularly interested in hearing from fishers about the relative merits of Option 2 (weighing/measuring at the LFR) or Option 3 (weighing/measuring at sea). MFish also seeks the views of LFRs on the contribution required by them under Option 2.
- 50 Further, MFish invites fishers to provide examples of the information they currently record as part of existing tagging initiatives, and which may be incorporated into recording and reporting requirements if appropriate.

Assessment of Management Options

Option 1 – Status Quo

Impact

- 51 Under the status quo, commercial fishers must record their catches of southern bluefin tuna on catch reporting forms, such as tuna longlining catch and effort

returns. Information collected includes species caught, processed weight, and number of fish. Catch and effort returns are provided to MFish on a monthly basis.

- 52 Exports of southern bluefin tuna must be accompanied by a completed CCSBT Statistical Document. The document includes details of the shipment such as name of fishing vessel, gear type, area of catch, and dates. Members of CCSBT do not allow import of southern bluefin tuna that lacks the correct documentation. Because the biggest market for southern bluefin tuna is Japan, which is a Member of CCSBT, the incentive for fulfilling this requirement is high.
- 53 The existing system is considered to be adequate at tracking trade of southern bluefin. However, because it does not cover domestic catches, only a portion of the entire fishery is monitored. For example, Japan has substantial domestic catches that are not covered under the existing scheme. New Zealand also has some domestic sales of southern bluefin, which are not tracked by the Trade Information Scheme (although the domestic reporting system does provide for validation of catch data through the provision of separate LFR data).
- 54 Maintaining the status quo is an option at present, because there is no formal resolution from CCSBT regarding catch tracking that would require tuna tagging. However, the report from the 14th annual meeting of CCSBT in October 2007 indicates support for further work in this area:

Taking account of the advice of Australia and Japan that they would be implementing their own SBT [southern bluefin tuna] CDS [catch documentation scheme] on a trial basis as interim steps towards development of a comprehensive CCSBT CDS that includes tagging, and the fact that Japan has already implemented a tagging system for SBT, the Members agreed that it would be useful if all Members and Cooperating Non-Members endeavour to trial SBT tagging programmes, whether individually or in cooperation with one another.

- 55 Members also agreed to report back to the Compliance Committee in October 2008 on the experience of their trial tagging programmes.
- 56 Whether or not regulations are implemented at this time, MFish will undertake trials with fishers. The intention would be to have some initial results to feed back to the Compliance Committee meeting in mid October. Because of the small size of the fleet that targets southern bluefin, MFish anticipates good participation in voluntary trials.

Costs

- 57 New Zealand has already indicated at various meetings of the CCSBT its strong support for a CCSBT catch tracking scheme, incorporating tagging of individual fish.³ Failing to take steps to ensure New Zealand is ready to

³ For example, Report of the Fourteenth Annual Meeting of the CCSBT, October 2007; Report of the Second Meeting of the Compliance Committee, October 2007; Report of the First Meeting of the

implement such a scheme domestically may signal a lack of commitment. Because of the timing of the annual meetings of CCSBT in October, any formal resolution would take a year to implement if the framework has not already been put in place. If the framework has already been established in regulations, then changes to the detail of the requirements could be rapidly implemented through issue of a new gazette notice.

- 58 Putting a regulatory framework for in place 1 October 2008 would allow for smooth transition from trials to full tagging, by the time of the annual CCSBT meeting in mid October 2008. Members have substantial agreement about the need for and advantages of a tagging and catch tracking scheme, despite continued discussions about the details of a scheme. As noted, Japan manages its tagging programme as a flag state measure rather than a CCSBT-wide programme. MFish considers it an advantage to be ready to similarly implement a tagging scheme unilaterally or in association with Australia if agreement cannot be reached on a CCSBT-wide scheme. Further, the proposed approach would allow transition from a unilateral or bilateral scheme to a CCSBT-wide scheme if agreed at a later date.
- 59 Many fishers already have some experience with tagging of individual southern bluefin tuna as part of their existing practices. MFish considers there is a need for trials to fine tune and coordinate across the fleet. However, the need for trials should not preclude advantages to be gained from putting in place the regulatory framework for 1 October 2008. Such advantages include rapid implementation of a CCSBT-wide scheme, or further refinement of a unilateral or bilateral scheme.
- 60 Relying on voluntary participation in trials, rather than requiring all fishers to participate under regulation, may also reduce the ability of trials to highlight aspects of the scheme that are not workable for all fishers. Fishers who have already had some experience in tagging fish and are committed to a catch tracking scheme are more likely to participate in voluntary trials. Other fishers may choose not to participate in trials. Any difficulties that tagging could pose for those fishers would not necessarily be identified through voluntary trials. On the other hand, requiring all fishers to participate by regulation from 1 October 2008 (in combination with voluntary trials before that point) would maximise coverage of the scheme. Because the proposal is to update the details of the scheme from time to time by gazette notice, any major problems that became apparent as a result of tagging could be addressed by changes to the gazette notice if required.

Benefits

- 61 The status quo already involves collection of catch and export information. Additional information on the age and size structure of the fishery is collected by MFish's Observer Programme and through individual processed weight data provided by some major LFRs. Further, many commercial fishers already tag individual southern bluefin tuna (although this data is not provided to

MFish). Commercial fishers may consider the existing system already provides adequate information for management. Further, commercial fishers are already familiar with the existing trade information scheme.

- 62 Maintaining the status quo would result in no increased costs to fishers. However, any costs associated with implementing a tagging system are likely to be deferred only, because a resolution from CCSBT to implement catch tracking is expected in the next year or so.
- 63 Under the status quo, individual fishers may choose to cooperate in tagging trials that could subsequently lead into a more comprehensive catch tracking scheme, although there would be no requirement for them to do so. This may provide commercial fishers with greater flexibility.
- 64 MFish proposes to trial tagging before 1 October under Options 2 and 3 also. Running voluntary trials for a longer period before implementing a regulated scheme may allow for greater fine tuning of the system. If initial trials do indicate problems with the scheme, retaining it as a voluntary process to allow for further testing may be more cost effective than introducing a scheme for which the details would subsequently need to be altered by gazette notice.

Option 2 – MFish preferred option: require commercial fishers to tag and record every southern bluefin tuna caught and killed; individual fish to be weighed and measured either by commercial fishers or by Licensed Fish Receivers upon landing

Impact

- 65 Both option 2 and option 3 propose new steps that commercial fishers must take when they catch southern bluefin tuna. The likely impact of option 2 is lower than option 3 because it provides for greater flexibility in the timing and execution of the requirements.
- 66 Under both Options 2 and 3, provision will be made for situations in which a vessel catches southern bluefin tuna but lacks a tag for it. If any vessel that might catch southern bluefin tuna as an occasional bycatch were required to have tags available for tagging the fish, MFish would have to distribute large numbers of tags that would probably not be required. Southern bluefin tuna is targeted by surface longlining, but is also an occasional bycatch of target longline fishing for bigeye tuna, and of trawl vessels. In the 2006-07 fishing year, 11 vessels caught southern bluefin tuna as a non-target catch, including seven trawl vessels (catch volumes ranged from 50 to 310 kgs).
- 67 Provision for occasional bycatch is in line with current CCSBT proposals, which envisage some provision for 'post catch' tags. A discussion paper prepared by the CCSBT Secretariat notes there may need to be exceptions to the general rule that every fish is tagged immediately upon killing.⁴ The Secretariat noted problems could arise in some bycatch fisheries where vessels rarely catch southern bluefin tuna, and may not have been issued with any

⁴ Initial CDS considerations (draft 2) (prepared by the Secretariat). 2007. Document number CCSBT-CC/0704/04, available at www.ccsbt.org

tags. Requiring all authorised vessels to be issued with tags could result in large numbers of tags being issued to vessels that are not targeting southern bluefin, creating issues of increased costs, tag management and security.

- 68 An Australian catch tracking proposal also provides for unexpected captures. Under the Australian proposal, if southern bluefin tuna is caught unexpectedly and the vessel operator does not have necessary catch documentation forms or tags, the vessel operator must document and tag the catch within three days after landing.
- 69 MFish considers such a provision would be more effective than providing every registered vessel that might catch a southern bluefin tuna with tags. The number of tags required could be limited to a smaller number in a central location, or at several regional locations. LFRs that receive landings of southern bluefin tuna could request tags as required, or could hold a limited number in stock. This would make tag auditing more straightforward, and reduce the risk of tags becoming lost or misplaced. It would also reduce the risk that a black market in tags could develop (since tags could potentially be used to disguise the origin of illegally caught fish).

Tagging, measurements, and recording

- 70 Both Options 2 and 3 will require fishers to tag each southern bluefin tuna they catch and kill. The requirement would apply to fishers on all New Zealand-flagged vessels (whether fishing in New Zealand's exclusive economic zone, or on the high seas), and foreign owned vessels operating in the domestic fishery. Fish that are released alive in accordance with the provisions of the Sixth Schedule of the Act would not be covered by the regulations.
- 71 MFish seeks input on a reasonable timeframe within which catch documentation must occur. There is not yet any agreement amongst CCSBT Members on this point. The Australian draft resolution suggested documentation should take place within 18 hours of completing every haul of fish. The timeframe is proposed to give sufficient time to update the catch document after each set, while ensuring that catch is documented daily. These provisions will be governed by changes to the Fisheries (Recordkeeping) Regulations 1990.
- 72 MFish proposes that the information to be recorded on forms could be limited to tag number, fish weight and length. A reference could link this information to the catch effort form on which more detailed information is reported (e.g. trip number). Tag numbers would also be recorded on any trade documentation that would accompany southern bluefin tuna exported or sold domestically.
- 73 The New Zealand domestic fleet is comprised mainly of small vessels that land fresh product to port at frequent intervals. Trips vary in length but are seldom longer than 7 days.

- 74 For compliance purposes, it is important for tagging to occur as soon as possible after fish are killed. This minimises the risk that fishers tag fish only if an inspection occurs, or tag some but not all fish. However, the argument is less clear in relation to weighing and measuring of fish, especially if the system allows for initial recording of estimated weights, followed by a subsequent more accurate measurement.
- 75 Under Option 2, fishers will be required to tag fish at the time of capture in most instances, so legitimately caught fish could be identified. Individual lengths and weights provide additional information that is useful as a further check in ensuring individual fish can be tracked from capture to market; and for scientific purposes.
- 76 Measuring fish at a landing facility rather than on the vessel is unlikely to result in any significant variation in the measurements recorded. Measurements are not considered likely to vary significantly between capture and landing except potentially in cases where processing occurs, or the state of the fish is changed (for example by freezing the fish). The domestic catch reporting system currently allows for catch weights to be estimated at sea, followed by more accurate measurement on land.
- 77 MFish considers that the larger scale freezer vessels that target southern bluefin tuna would have the resources available to weigh and measure the fish at the time of capture. Rather than landing fresh product, these vessels freeze the tuna and export it directly to market. For this reason, it would be desirable for weighing and measuring to occur as fish are caught for this subset of vessels. MFish proposes this as a requirement under Option 2.
- 78 Other vessels would have the option of weighing and measuring at sea if they wish to. MFish considers most measurement would occur at LFRs.

Reporting

- 79 It is proposed that fishers be required to report the information they have recorded in the same timeframe as is currently in place for catch reporting (that is, by the 15th day of the following month). This timeframe would make the process as practical as possible. Changes would be made to the Fisheries (Reporting) Regulations 2001 to reflect this requirement.
- 80 The timeframe for reporting is one of the issues on which Members of CCSBT do not yet have a consistent position. A draft Australian resolution suggests completed catch documents shall be submitted to the flag state within 10 days of the first fish recorded on the document being killed and, in any event, prior to any transfer (including landing) of fish recorded on the document. However, MFish considers it important for a catch tracking scheme to be consistent with domestic reporting requirements (including reporting timeframes) where possible.
- 81 For an agreed scheme, CCSBT protocols on access to data would apply.

Compliance

- 82 Compliance with the tagging requirements could be included as part of routine compliance checks. MFish does not propose additional compliance effort for this purpose.
- 83 Most southern bluefin tuna is exported. When a comprehensive catch tracking scheme involving tagging is finalised, compliance with the scheme will be a condition for export to Members of CCSBT and other cooperating countries. For this reason, there will be strong financial incentives for complying with the regulations. MFish will also work with fishers to ensure the tagging system is user-friendly.
- 84 However, some problems may arise with mis-reporting of fish, either unintentionally due to species misidentification, or intentionally in order to bypass the requirements of the scheme and the QMS. It will be important to maintain the integrity of the New Zealand monitoring, control, and surveillance regime to ensure national catches remain within the country allocation.

Costs

- 85 Direct costs associated with Option 2 are limited in comparison to those for Option 3. MFish considers the cost to fishers and LFRs would be low, but invites comment on this aspect of the proposal.
- 86 LFRs already possess the necessary equipment for weighing and measuring fish. However, some additional time would be required for this purpose, since weighing might otherwise be done in aggregate instead of for individual fish. MFish understands that most LFRs would however already weigh each southern bluefin tuna individually.
- 87 Because Option 3 is strongly favoured by other CCSBT Members, New Zealand would need to clearly articulate to CCSBT its rationale for allowing measurement to occur at a later time, rather than immediately upon kill. This has already been signalled to CCSBT during discussions about catch tracking that have occurred at CCSBT meetings during the last several years.⁵

Benefits

- 88 MFish considers Option 2 would achieve the benefits of catch tracking outlined above, while providing greater flexibility for fishers than does Option 3. MFish further considers fishers are more likely to comply with option 2, because it is more practical for them to achieve.
- 89 Option 2 is likely to help mitigate any problems associated with species misidentification (for example, other species such as Pacific or northern bluefin tuna are falsely identified as southern bluefin tuna). Under Option 2, LFRs would be more likely to notice any misidentification, which could be rectified before the fish is exported.

⁵ For example, CCSBT-CC/0704/04: Initial CDS Considerations (Draft 2) (Prepared by the Secretariat) (2007).

Option 3 – require commercial fishers to tag, measure and record every southern bluefin tuna caught and killed

Impact

Tagging, measurements, and recording

- 90 Under Option 3, fishers would be required to measure and weigh each fish and record this information alongside the tag number.
- 91 Option 3 is preferred by Members of CCSBT, but raises potential problems for small vessels that target southern bluefin tuna, but do not have the ability to accurately weigh and measure individual fish at sea.

Reporting

- 92 It is proposed that fishers be required to report the information they have recorded in the same timeframe as is currently in place for catch reporting (that is, by the 15th day of the following month). This timeframe would make the process as practical as possible.

Compliance

- 93 Compliance with the tagging requirements could be included as part of routine compliance checks. MFish does not propose additional compliance effort for this purpose.

Costs

- 94 Under Option 3, fishers would need to have the facilities to tag, weigh, measure and record every southern bluefin tuna they captured and killed.
- 95 Forty six vessels recorded landing southern bluefin tuna in the 2006-07 fishing year. The size of these vessels ranged from less than 20 metres (28 vessels) to greater than 100m (3 vessels). With the exception of four larger freezer vessels (56m), most of the vessels that caught significant quantities of southern bluefin tuna were 25m or less in length.
- 96 Catch volumes varied from 50 kgs to 84 tonnes per vessel, indicating that southern bluefin is both targeted by fishers, and caught as a bycatch of other fishing operations. Thirteen vessels each caught less than a tonne of southern bluefin tuna.
- 97 Almost all vessels targeting southern bluefin tuna are too small to accurately weigh and measure fish at sea. Most vessels – with the exception of the larger freezer vessels and one or two others – lack equipment of sufficient sophistication. This is one of the reasons the existing reporting framework is based on fishers recording estimated catches at sea, followed by subsequent accurate measurement by LFRs upon landing. There would be practical difficulties and a high cost for fishers (including the direct cost of purchasing the necessary equipment, as well as operational costs related to changing their fishing practices) if they were required to weigh and measure individual fish at sea. Fishers are invited to provide further information on the costs associated with this option.

- 98 Another cost associated with Option 3 is a loss of accuracy if measurements are made at sea on small vessels, compared to in the stable environment of an LFR.
- 99 If Option 3 is chosen by the CCBST, options would need to be explored further for mitigating the problem of impacts on small vessels that are not well-equipped to weigh and measure individual fish.
- 100 There is a risk under Option 3 that fishers would nonetheless choose to weigh and measure the tuna upon landing, rather than at sea. On the water inspections would be required to detect this type of offending. This is unlikely to be a priority for compliance officers, so the likelihood of detecting it would be low.

Benefits

- 101 Option 3 better reflects the system likely to be implemented by other Members of CCSBT. This is because the vessel characteristics of other Members are better suited to weighing and measuring at sea (generally larger freezer vessels, staying at sea for larger periods of time).
- 102 It is generally accepted that it is desirable to weigh and measure fish at the time of kill as part of a catch tracking system. A document on Guidelines for CCSBT Tags (Attachment 9 of the Report of the Fourteenth Annual Meeting of the CCSBT; see Appendix Two) outlines that each Member and Cooperating Non-Member should require the master or operator of each of its vessels to attach a SBT tag to each southern bluefin tuna at the time of kill. Further, Members and Cooperating Non-Members should require the master or operator of each of its vessels who are issued tags to record the SBT tag numbers attached to southern bluefin tuna, together with the length and weight of each fish tagged.
- 103 Likewise, the Australian draft resolution on adoption and implementation of a CCSBT catch tracking scheme and tagging system proposes that masters or operators be required to attach a CCSBT tag to each southern bluefin tuna at the time of kill. The CCSBT tag shall remain on each individual fish until processed. The draft resolution further proposes that masters and operators should record each SBT killed within 18 hours of completing every haul of fish.
- 104 Option 3 minimises the risk that the weight of fish may change significantly between the time it is caught and the time it is measured (for example, through loss of moisture). However, this risk is not considered to be large.
- 105 The larger scale freezer vessels that target southern bluefin tuna freeze the fish and export it directly to market. As such, Option 3 better reflects this practice, because weighing and measuring would occur at sea. However, Option 2 proposes to allow for this existing practice, by providing for measurement to occur either at sea or at an LFR. Option 3 would apply a measure across the whole fleet (weighing and measuring at sea) that MFish considers is only practical for a small portion of the fleet.

Statutory Considerations

- 106 Statutory considerations are outlined in more detail in appendix one. MFish considers proposals to require tagging of southern bluefin tuna are in keeping with New Zealand's international obligations (section 5). The proposals are also in keeping with the purpose of the Act (section 8) to provide for the utilisation of fisheries resources while ensuring sustainability.

Appendix One

Statutory Considerations

107 MFish has considered the followed statutory considerations in relation to the options in this paper.

- a) **Section 5(a) – Application of international obligations:** MFish considers both options 2 and 3 better meet our international obligations under the Convention for the Conservation of Southern Bluefin Tuna than does maintaining the status quo. Either option allows New Zealand to move towards a more comprehensive catch tracking scheme, for which New Zealand has stated its support at various CCSBT meetings. CCSBT has signalled its intent to develop a catch tracking scheme, and expressed support for Members to develop and trial tagging systems.
- b) Because there is not yet any formal resolution from CCSBT on catch tracking or tagging, the status quo is currently consistent with international obligations.
- c) **Section 5(b) – Application of Treaty of Waitangi (Fisheries Claims) Settlement Act 1992:** the options proposed in this paper are not inconsistent with the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- d) **Section 8** – The purpose of the Act is to provide for the utilisation of fisheries resources while ensuring sustainability. Options for requiring fishers to tag southern bluefin tuna would have some impacts on fishers' ability to utilise the resource. For example, the time required for fishers to process each fish would likely increase, although not significantly. However, the ability of fishers to harvest their quota would not be constrained. These impacts on utilisation are balanced by overall sustainability benefits if greater ability to monitor the stock is achieved amongst Members of CCSBT. Reducing IUU fishing will potentially improve sustainability in several ways, including through improving the information base on which decisions are made; and by ensuring catches are more likely to remain within global catch limits. In turn, improving overall sustainability of the southern bluefin tuna stock is likely to improve utilisation in the New Zealand fishery, particularly because New Zealand is on the outer edge of southern bluefin tuna distribution, and its fishery is strongly affected by overall stock sustainability.
- e) **Section 9** – None of the proposed management options are likely to have any significant impact on associated and dependent species, biological diversity, or habitats of particular significance to fisheries management. The proposals are not likely to increase catches of southern bluefin tuna, or any associated or dependent species. The proposal could contribute to maintenance of biological diversity, as part of a broader framework of monitoring, control and surveillance measures designed to ensure catches stay within agreed catch limits for

southern bluefin tuna. The tagging proposal does not affect habitats of particular significance to fisheries management.

- f) **Section 10 – Information principles:** Section 10 requires all persons exercising or performing functions, duties, or powers conferred or imposed by or under the Act, in relation to the utilisation of fisheries resources or ensuring sustainability, to take into account the following information principles:
- i) Decisions should be based on the best available information:
 - ii) Decision makers should consider any uncertainty in the information available in any case:
 - iii) Decision makers should be cautious when information is uncertain, unreliable or inadequate:
 - iv) The absence of, or any uncertainty in, any information should not be used as a reason for postponing or failing to take any measure to achieve the purpose of that Act.
- g) There is some uncertainty about the details of likely impacts on fishers. MFish is seeking additional information from fishers on the impacts of the tagging options on their fishing operations, particularly in relation to possible impacts on time, costs, and the practicality of the proposed options.
- h) There is also uncertainty about the final form an agreed CCSBT catch tracking scheme will take. However, MFish proposes to deal with this uncertainty through implementation of a general framework in regulations that would be coupled with more detailed instructions issued by the Chief Executive and/or published in a gazette notice. The general regulations could be replaced by specific regulations at a later date if so required. Any detailed specifications can be updated by gazette notice, with consultation.
- i) A requirement for commercial fishers to tag southern bluefin tuna would be made by regulation under **sections 297(1)(a)(xi), 297(a)(xii) and 297(1)(a)(xiii)** of the Act.
- i) Section 297(1)(a)(xi) provides for regulations to be made to regulate the methods, equipment, and devices to be used for determining the size or weight of any fish, aquatic life, or seaweed;
 - ii) Section 297(1)(a)(xii) provides for regulations to be made to regulate the methods, equipment and devices that may be used to process fish, aquatic life, or seaweed; and prohibiting the processing of fish, aquatic life or seaweed otherwise than by that method or by use of such equipment or devices;
 - iii) Section 297(1)(a)(xiii) provides for regulations to be made to regulate the methods by, or the circumstances under which, fish, aquatic life, or seaweed may be held, stored, conveyed, or identified, including the use of any containers, marks, or labels.

- j) Controls on the types of vessels to which tagging would apply can be regulated under **section 297(1)(e)**, which allows for defining the vessels or classes or types of vessels to which any regulations are to apply.
- k) Record keeping provisions are regulated under **section 297(1)(h)**, which allows for prescribing the accounts, records, returns and information that any person or class of persons may be required to keep or provide.
- l) **Section 297(1)(n)** allows for creating offences in respect of the contravention of, or non compliance with any regulations made under the Act; and provides for the imposition of fines.
- m) Under **section 297(2)(a)** of the Act, the Minister or Chief Executive is authorised to issue or impose, as the case may be, any authority, approval, requirement, prohibition, restriction, condition, direction, instruction, order, permit, notice or circular.
- n) **Section 297(2)(b)** allows for any regulations made under the section to exempt any person or species or vessel from compliance with or the application of any provisions of the regulations; or authorise the Minister or the chief executive to grant such exemptions as the regulations may specify.
- o) **Section 297(3)(b)** outlines that regulations made under section 207 may be applied in respect of New Zealand nationals and New Zealand ships when they are outside New Zealand fisheries waters.
- p) MFish considers that the proposed changes to the Fisheries (Commercial Fishing) Regulations 2001, the Fisheries (Reporting) Regulations 2001, and the Fisheries (Recordkeeping) Regulations 1990 fit within the relevant provisions of section 297.

Appendix Two

Guidelines for CCSBT tags (Attachment 9 of the Report of the Fourteenth Annual Meeting of the Commission for the Conservation of Southern Bluefin Tuna)

General requirements of a SBT tagging system

- 108 Members and Cooperating Non-Members should require the master or operator of each of its vessels, and the owner or operator of its farms, to attach a SBT tag to each southern bluefin tuna at the time of kill. The SBT tag should remain on each individual fish while the fish carcass remains whole. (A fish remains whole despite cleaning, gilling and gutting, freezing, removing fins, gill plates and tail and removing the head or parts of the head. A fish is no longer considered to be whole if it has undergone processes such as filleting or loining).
- 109 Members and Cooperating Non-Members should take steps to ensure that SBT tags cannot be reused.
- 110 Members and Cooperating Non-Members should prohibit the unauthorised transfer or sale of southern bluefin tuna without a SBT tag.
- 111 Members and Cooperating Non-Members should prohibit the unauthorised transfer or sale of SBT tags.

Specifications for SBT tags

- 112 Each SBT tag should meet the following requirements:
 - a) have a unique pre-recorded tag number, which should be printed on the tag in an easily readable form, and, if possible, a machine readable bar code;
 - b) be able to be securely fastened to southern bluefin tuna;
 - c) be non-reusable, tamper-proof and secure from counterfeiting or replication;
 - d) be able to withstand at least negative sixty (60) degrees Celsius temperatures, salt water and rough-handling; and
 - e) be food safe.

Record-keeping, reporting and auditing requirements

- 113 Members and Cooperating Non-Members should record the distribution of SBT tags to entities authorised to fish for, or farm, southern bluefin tuna.
- 114 In relation to each tag, Members and Cooperating Non-Members should have systems to record:
 - the tag number;
 - length and weight at time of kill;

- a record of the details of the catching vessel (e.g. flag, owner, operator, call sign);
- time and location of catch; and
- in the case of farm harvest, details of the farm, such as owner and operator.

115 Members and Cooperating Non-Members should require the master or operator of each of its vessels, and the owner or operator of its farms, who are issued tags to record the SBT tag numbers attached to southern bluefin tuna in logbooks or other reporting format for that purpose, together with the length and weight of each fish tagged. Members and Cooperating Non-Members should require that this information be provided to the Member or Cooperating Non-Member within 28 days of tagging, or as soon thereafter as is practicable.

REGULATORY IMPACT STATEMENT

Southern bluefin tuna tagging

Executive summary

New Zealand is a Member of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). CCSBT is developing a catch documentation scheme so that individual fish can be tracked from point of capture to market, to deter illegal, unreported and unregulated fishing. Valuable science information would also be collected.

It is proposed to establish regulations for requiring individual southern bluefin tuna to be tagged, weighed and measured. Putting the requirement in place in advance of a formal international agreement would allow for fine-tuning of the system, as well as collection of more complete data for stock assessment. It would also signal New Zealand's commitment to developing a full catch documentation scheme, and enable rapid implementation of any CCSBT decision (or unilateral implementation in the absence of an agreed CCSBT-wide scheme). Other Members have already implemented or are trialling tagging.

Options for a tagging system include requiring commercial fishers to weigh and measure fish at sea, or allowing for this to occur at Licensed Fish Receivers. MFish considers the latter option is more practical. Under either option, provision needs to be made for vessels that catch southern bluefin tuna as an occasional bycatch. In such instances, tagging may need to occur upon landing, rather than at sea.

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.

This Regulatory Impact Statement has addressed all relevant aspects of the RIS requirements contained in Cabinet Office Circular CO (07) 3.

Status quo and problem

Under the status quo, domestic catch information is collected through catch and effort returns and landings returns. Fish that are exported must be accompanied by a completed CCSBT Statistical Document. There is no requirement for fishers to tag individual fish, or collect length and weight information on them.

Change is required in order to signal New Zealand's commitment to the initiatives of CCSBT. Putting in place a tagging requirement before a formal resolution from CCSBT also allows for New Zealand to provide feedback to ensure the scheme developed is suitable for New Zealand fishers.

Objectives

The National Fisheries Outcome supported by this proposal is “*credible fisheries management*”.

Credible fisheries management outcomes are enhanced by implementing policies and practices compatible with international obligations.

Alternative options

A catch documentation scheme as being discussed at CCSBT requires that individual fish are tagged, weighed, and measured as soon as possible after they are killed. One option is to require fishers who catch southern bluefin tuna to perform the measurements at sea. This option would allow for minimal time between catching and measuring fish. However, it is likely to be impractical for fishers on smaller vessels, which constitute the majority of the fleet that targets southern bluefin tuna.

Preferred option

The preferred approach is to require fishers to tag and record some information about southern bluefin tuna they catch and kill immediately, but to allow for measurement to occur at Licensed Fish Receivers in some circumstances. In limited circumstances, weighing and measurement would still need to occur on board vessels (for example, for larger freezer vessels that land frozen product directly to market).

This option provides an appropriate balance between obtaining the desired information and ensuring a system that is workable for fishers (particularly those on small vessels, or who catch southern bluefin tuna as an occasional bycatch).

Compliance with the measure could be checked as part of routine compliance inspections. MFish does not propose additional compliance effort at this stage. Once a full scheme is in place, there are strong financial incentives for compliance (because of market controls that will be established in importing countries).

Under either option, provision would be made for fishers who may catch southern bluefin tuna as an occasional bycatch. Such fishers could not be expected to have the tags onboard their vessel (and issuing all vessels with tags would create potential tag auditing and management problems). Therefore, some provision would be made for tagging to occur after landing. This process would need to be carefully managed to ensure there was no slippage, and that all fish caught as bycatch entered into the tagging system.

Risks include putting in place a system that is unwieldy, leading to fishers failing to comply with the requirements. This will be mitigated through close communication with fishers during roll-out of the tagging scheme.

This option would be in addition to existing catch and landing reporting requirements. In time, a full catch documentation system could replace the existing Statistical Document scheme. At this stage, no rules would be made redundant as a result of the proposed changes.

Implementation and review

Regulations allowing for commercial fishers to tag southern bluefin tuna would be put in place for 1 October 2008. MFish proposes that the regulations include a general requirement for fishers to tag, accompanied by more detailed instructions to be issued by the Chief Executive by gazette notice from time to time as required. Such instructions could be issued if CCSBT makes a resolution on a catch documentation scheme, or if New Zealand decides to implement such a scheme unilaterally (or in agreement with other Members of the Commission).

Some discussion has already occurred with commercial fishers likely to be affected. Further discussion will occur in relation to effective methods for tagging (e.g. materials, location of tag). All fishers would be contacted in writing to inform them of any new requirements (including both target fishers and those who may catch southern bluefin as a bycatch). Discussions would also occur with Licensed Fish Receivers that generally land southern bluefin tuna. Further, written notice would be sent to all other Licensed Fish Receivers, so that they are familiar with the requirements if a fisher lands a southern bluefin tuna to them. In this situation, the Licensed Fish Receiver would need to know whom to contact in order to obtain a tag.

At the fourteenth meeting of CCSBT in October 2007, Members agreed to endeavour to trial tagging programmes, whether individually or in cooperation with one another. It was further agreed that Members and Cooperating Non-Members should report back to the Compliance Committee in 2008 on the experience of their trial tagging programmes, including by providing information such as the numbers of tags used, their distribution, and how the tag information contributed to the documentation of the catch and trade of southern bluefin tuna. Although regulations would not be in place until October 2008, MFish would nonetheless work with fishers to collect such information to be discussed at the Compliance Committee in October 2008.

Further monitoring and review would occur in the following year, and would be reported to meetings of the CCSBT. MFish will also work with counterparts in Australia to learn from tagging trials currently being conducted there.

Consultation

As noted, some discussion has already occurred with commercial fishers likely to be affected. Further discussion would occur during implementation. MFish will consult with those considered likely to have an interest in tuna tagging.