

## **8. Future Directions**

Over time, social, political and economic environments change. No matter how good the system is for the current environment, all management systems need to have the flexibility to adapt to these changes over time. Consequently, the New Zealand QMS will continue to change to adapt to future conditions. Since New Zealand adopted the ITQ system early on, it was not possible for regulators to look to other countries' experience to plan the QMS. Therefore, as experience with the system and its many enhancements grows, more effective methods may become apparent and subsequently implemented. As time goes on, the QMS may change significantly from the system in place today.

There are a number of areas currently being examined. This chapter first discusses three main issues facing the Ministry at the moment – the precautionary approach, deepwater fisheries management, and recreational and shared fisheries. The Ministry is considering the use of an outcomes framework, fisheries plans and standards to address some of these challenges. These are discussed in the second half of this chapter. However, these policies are still being developed and are thus likely to change before they are implemented. But by including them within this report, readers will be able to gain some insight into changes that may occur in the near future. It will also provide a record of current options being considered by the Ministry.

### **8.1 Current Areas of Focus**

#### **8.1.1 Precautionary Approach**

In December 2006, the Minister of Fisheries announced his intention to amend the Fisheries Act 1996 to reflect the internationally-accepted precautionary approach. This would be applied where information on fisheries sustainability and the impact of fishing on the environment is uncertain or limited. At the time of writing (December 2006), little policy background is available; in the coming months, a Cabinet paper will be drafted, a Bill introduced into the House, consideration and hearings by Select Committee, a departmental report prepared and a final Bill introduced. The Minister has announced his intention to have the new law in force in time to make decisions for sustainability measures for the 2007/08 fishing year.

Based on available information, the proposed amendments would re-write section 10 (the Information Principles) of the Fisheries Act 1996. Currently, Section 10 directs the Minister to be cautious when information is of poor quality, and not to avoid making a decision simply because of a lack of (or poor quality) information. Caution is to be exercised in order to achieve the dual purpose of the Act: utilisation and sustainability, neither of which has precedence over the other. If the FAO definition of precaution is adopted, the Fisheries Act will introduce a clear direction to favour sustainability when information is uncertain or incomplete.

Information to manage fisheries is invariably uncertain or limited. The impact of the proposed changes would depend on the specific decisions being made, the stocks they

relate to, and the state of information about them. In general, it is unlikely to cause abrupt changes in current fisheries management measures. The net effect on harvest levels will either be neutral (where the Minister is confident that stocks are being fished sustainably) or will lead to a decrease in catch. Ultimately, there may be changes in the way that stock assessment is undertaken, and how management advice is prepared and presented to the Minister where information is uncertain or limited.

### **8.1.2 Deepwater Fisheries**

While many species are fished by multiple fishing sectors, some fisheries are only harvested commercially, such as orange roughy. In these fisheries, there may be more effective ways of managing the resource than the methods - designed for all fish stocks - which are currently being used. Different management plans for these fish stocks may be appropriate for two reasons. First, since these fish stocks are only fish commercially the effect of (and on) customary and recreational fishers does not need to be considered. Second, commercial-only fisheries tend to be deepwater species, for which successful participation requires a significant investment. Consequently, these fish stocks tend to be dominated by a small number of large companies, which are increasingly becoming vertically and horizontally integrated.

The majority of deepwater stocks are represented by the Deepwater Group Limited (incorporating the commercial stakeholder organisations that included the orange roughy management company, the hoki management company, and the squid management company). This streamlining of representation, along with increasing consolidation within industry, may simplify stakeholder interaction with the Ministry of Fisheries. Thus, pursuing alternative management methods for these fisheries may become feasible.

Current management of deepwater fisheries can be characterised by the lack of a shared overall strategic plan, its poor integration and collaboration, and the limited ability of quota holders to influence or control the services implemented for deepwater stocks or the costs associated with those services. This results in an environment that is not conducive to collaboration or agreement. Considerable effort is expended by industry to engage in Ministry processes, and by the Ministry to respond to concerns raised by industry.

Greater collaboration is desired and achievable, and different structural options can be considered. In the short term, the Deepwater Group and the Ministry are working to better integrate existing processes, and to identify where greater collaboration is warranted. Over the long term, greater collaboration can remove duplication of efforts and resources, remove inefficiencies in processes, and reduce business costs for both parties.

### **8.1.3 Recreational Fishing**

There are a number of challenges facing policy makers with regard to recreational fishing, both as a sector on its own, but also its interaction with the commercial fishing sector. Regulators are only able to estimate (through voluntary surveys) the total recreational catch, as fishers are not required to report their catches. This makes it difficult to ensure that sustainable harvest levels are maintained and to accurately

set the TACC, which is vital for the QMS. There are also concerns regarding the process of allocating of the TAC between recreational, customary and commercial fishers as the share awarded to each is determined by the Minister. As this relies solely on the Minister's discretion, there is considerable uncertainty regarding future catch levels and this makes planning difficult.

To address some of these issues, the Ministry has initiated a public discussion process that includes various proposals for managing shared fisheries. The outcome will be determined by the sort of feedback received and the nature and extent of proposed changes to the regulatory framework.

Chapter 5 provides more information on challenges relating to the recreational fishing sector and its relationship with the commercial fishing sector.

## **8.2 Objectives-Based Management**

In the 2005-2008 Statement of Intent, the Ministry of Fisheries introduced the term "objective-based approach to fisheries management" (Ministry of Fisheries 2005c). This approach comprises a number of key components, including outcomes, standards, and fisheries plans.

At its simplest, an objectives-based approach is being clear about what fisheries management is intended to achieve (the objectives), and designing management of a fishery to meet these objectives. Managing a fishery to achieve clearly defined objectives has advantages over other approaches, including:

- increased transparency in how and why fisheries are managed
- improved tangata whenua and stakeholder understanding, input and buy-in to the process of fisheries management
- easier decision-making
- a stronger link between objectives and management by better integrating science, policy, compliance, and other services
- increased confidence that government obligations will be met and the benefits obtained by stakeholders and tangata whenua maximised.

### **8.2.1 Outcomes**

In the current fisheries legislation, the overriding goal is to achieve sustainable utilisation of fisheries resources (as outlined in Section 8 of the 1996 Fisheries Act). The remainder of the Act contains specific details about different areas of the system developed to achieve this purpose. However, there are no guidelines between the broad goal of sustainable utilisation and the specific details outlined in the remainder of the Act. Similarly, there is currently no link between the goal to 'maximise the value New Zealanders obtain through the sustainable use of fisheries resources and protection of the aquatic environment', and all the outputs and activities undertaken by fisheries managers.

An 'outcomes framework' is a way to describe the desired results from the management process. The Ministry will be developing a hierarchy of outcomes to

determine what needs to be done in order to achieve the overall goal of ‘maximis[ing] value’. At the top, outcomes will be wide in scope and general, reflecting their use as goals of public policy. At the bottom, they will be more specific and focused, reflecting their focus for specific management of fisheries activities. At the lowest level of detail, the outcomes framework will detail standards which, together with fisheries plans, will drive fisheries management decision-making in the future.

### **8.2.2 Fisheries Plans**

Fisheries plans are the main planning tool that will be used to implement objectives-based management for specific fisheries. The primary purpose of a fisheries plan is to set out clear linkages between the objectives set for a fishery and the interventions and services used to achieve these objectives.

While fisheries plans have been available in the legislation for a number of years,<sup>1</sup> action has only recently been taken to create fisheries plans. The intent of the Ministry of Fisheries to utilise fisheries plans was introduced in the 2005-2008 Statement of Intent (Ministry of Fisheries 2005b) as part of the Government’s attempt to have more inclusive fisheries management, incorporating the views of different sectors involved in fishing.

Fisheries plans will better define the roles of different stakeholders in managing fisheries resources to maximise the total value that is obtained (Ministry of Fisheries 2005c). This approach utilises the knowledge of tangata whenua and stakeholders regarding the value of their fisheries and the clear ideas that these groups can have about the optimal management practices. By including these individuals into the decision making process, rather than the Ministry preparing management advice, and then seeking input, it is more likely that the value of the resource can be maximised. This process allows the stakeholders and tangata whenua to identify what they believe are the most important objectives for the management of their resource.

Fisheries plans are still a new concept in New Zealand fisheries management and thus the process involved in their creation is still being developed. The legislation that governs the use of these plans only outlines the power of the Minister to approve, amend and revoke the plans, but does not stipulate the precise requirements of what the plan must contain. However, work has begun on the creation of fisheries plans for some species and detailed information on fisheries plans and the Ministry’s expectations of them can be found in the Fisheries Plan Framework (Ministry of Fisheries 2005c).

In the future, the Ministry expects that fisheries plans will cover all species. More complex plans are likely to be developed as time goes on involving more species and stakeholders within a single plan. From the second half of 2006, the Ministry of Fisheries will be working on developing fisheries plans for all fisheries (Ministry of Fisheries 2006i). However, the initial plans will be preliminary and form the basis of the discussion with stakeholders and tangata whenua in the future. It will likely take

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<sup>1</sup> Fisheries plans were introduced in 1999 with the passing of the Fisheries Act 1996 Amendment Act 1999 which introduced Section 11A.

up to five years to have fully developed fisheries plans in place for most fisheries (Ministry of Fisheries 2006i).

### **8.2.3 Standards**

A standard describes minimum performance requirements for fisheries. Over time, standards will be developed to describe required results across all relevant facets of fisheries management.

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

- **Guidance** – Standards provide guidance to fisheries managers, tangata whenua and stakeholders on the Government’s expectations for the minimum level of performance expected from a fishery and the processes used to manage fisheries.
- **Consistency** – Different managers make similar types of decisions across a range of fisheries. In some situations, achieving an outcome will require a consistent approach across different fisheries. In these circumstances, standards help ensure a consistent approach.
- **Monitoring** – Standards describe a required result in a manner that enables the result to be monitored. Standards therefore provide a useful means of reporting on fisheries management performance. This enables both Government and stakeholders to track the performance of management strategies.

Process standards will primarily define best practice for processes to achieve desired outcomes. Most of these processes are not constrained by the Fisheries Act 1996, although many are required to meet administrative law requirements. Performance standards set the minimum levels of performance in respect of specified components of ecosystems such as fish stock size and habitat structure, and the use of fisheries resources, including allocation between fisheries sectors.

## **8.3 Into the Future**

The changes in policy that are outlined above and the Shared Fisheries Project represent substantial changes in fisheries management practice.<sup>2</sup> But since these new policies are still conceptual, changes may be made prior to their implementation as they continue to be developed.

As time goes on, additional challenges to the QMS will present themselves as the environmental, social and political environments, both domestically and internationally, change. However, as it has done over the past 20 years, the QMS will continue to evolve and adapt to efficiently manage New Zealand fisheries in the future.

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<sup>2</sup> See Section 5.3.3 for more information on the Shared Fisheries Project.