

CATCH DOCUMENTATION SCHEME FOR SOUTHERN BLUEFIN TUNA – INITIAL POSITION PAPER

Executive Summary

- 1 New Zealand is a Member of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). At its annual meeting in October 2008, CCSBT agreed to implement a Catch Documentation Scheme (CDS) for southern bluefin tuna (STN) by 1 January 2010. The catch documentation will provide fisheries managers with better information on catches of and trading in southern bluefin tuna. Tagging and measurement of individual fish is an important component of the scheme, and will provide valuable information for scientific purposes. Tagging will also help prevent illegal, unreported, and unregulated (IUU) fishing, since legally-caught fish will be readily identifiable.
- 2 MFish proposes to establish regulations that require every southern bluefin tuna caught and killed on a commercial vessel to be tagged, weighed and measured. The requirement will apply to fishers on all New Zealand-flagged vessels (whether fishing in New Zealand's fisheries waters, on the high seas, or fishing against New Zealand's quota in waters of a foreign jurisdiction), and foreign charter vessels operating in the domestic fishery. The CDS will cover the sale of southern bluefin tuna on both domestic and export markets.
- 3 The regulations will come into effect on 1 January 2010.
- 4 Specific instructions for tagging, measuring, reporting and recording will be issued by gazette notice. MFish may modify or update such instructions from time to time as required, following consultation (as long as the instructions meet the requirements of the CDS resolution).
- 5 Key issues to consider when implementing the CDS include:
 - The importance of monitoring and controlling international fishing for southern bluefin tuna, which is currently below the biomass that can support the maximum sustainable yield. New Zealand's domestic fisheries already have a number of controls in place, but there is a need to support additional measures that will apply to the fleets of all CCSBT members, in order to monitor international catches and markets for this valuable species.
 - New Zealand's international obligations as a member of CCSBT.
 - The need to ensure the CDS is practical and suits the characteristics of the New Zealand fleet. Tagging components were trialled in New Zealand during the 2008 season.

- 6 Changes to fishing practices will be necessary in order to meet the requirements of the agreed CDS. MFish will work with fishers and licensed fish receivers to ensure the CDS is as practical and cost effective as possible.

Regulatory Impact Analysis Requirements

- 7 A Regulatory Impact Statement on this proposal has been reviewed by MFish. For more information on the Regulatory Impact Analysis Requirements, please refer to the Treasury website, www.treasury.govt.nz/publications/guidance/regulatory.

The Issue

- 8 Southern bluefin tuna is a highly migratory species that is fished throughout its range by a number of countries including New Zealand. Southern bluefin tuna is managed by CCSBT, which has six members (Japan, Australia, New Zealand, Republic of Korea, Fishing Entity of Taiwan, and Indonesia) and three cooperating non-members (the Philippines, South Africa, and the European Community). New Zealand is a coastal state for southern bluefin tuna, and to date the New Zealand fishery has taken place within New Zealand fisheries waters.
- 9 At present, a CCSBT Trade Information Scheme is used to collect data and monitor exports of southern bluefin tuna. The Trade Information Scheme also deters some IUU fishing, by denying access to markets for southern bluefin tuna not accompanied by the relevant documentation.
- 10 For high value species such as southern bluefin tuna, the risk of illegal fishing is high. There is a general trend within international fisheries towards greater traceability of seafood products from capture to market. In line with this trend, the CDS increases coverage from exported southern bluefin tuna to all southern bluefin tuna landed and traded (including exports, imports, and domestic trades). The requirement to tag and measure each southern bluefin tuna that commercial fishers catch and kill is also a new component.
- 11 The management objectives of the CCSBT CDS are to:
- increase the accuracy 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.
- 12 These objectives are achieved by being able to identify fish that have been caught legitimately (and blocking market access for other fish). The CDS will allow for a system of check and balances, so that member-reported catches can be compared with catches tracked through the CDS.
- 13 Preventing IUU fishing is important because such fishing 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 could increase the reliability of stock assessment models.

- 14 As a member of CCSBT, New Zealand has agreed to implement the CDS by 1 January 2010, as outlined in the resolution agreed in October 2008.¹ MFish considers that a CDS will assist in addressing international IUU fishing, and help ensure that the New Zealand fleet is complying with New Zealand's international obligations under the Convention for the Conservation of Southern Bluefin Tuna.
- 15 The CDS and tagging requirements are complex. The agreed resolution provides scope for member countries to implement key elements of the scheme in a way that fits the characteristics of their industries. This paper provides an opportunity to comment on the most effective and practical way of implementing the CDS and tagging.

Summary of Options

Status Quo

- 16 As of 1 January 2010, the status quo will no longer meet New Zealand's international obligations as a member of CCSBT.

Option 1 – implement the CDS

- 17 This paper contains only one option, to implement the CDS. MFish proposes to implement the CDS either through stand alone regulations, or through amendments to existing regulations outlining the rules for commercial fishers. Provisions will also be made for:
 - New Zealand flagged vessels fishing on the high seas (by way of high seas permit conditions) or under license in other national jurisdictions
 - Prohibiting trade and domestic sale of southern bluefin tuna not tagged and accompanied by relevant documentation
 - Offences and penalty provisions
- 18 Regulations will allow commercial fishers subject to New Zealand's jurisdiction to land southern bluefin tuna only if it has been tagged with an approved tag issued by the Chief Executive of the Ministry of Fisheries. Appendix one outlines the standards set by CCSBT for the tagging programme.
- 19 Relevant documentation will be also required, including a Catch Monitoring Form and a Catch Tagging Form (see appendix two for examples²). The

¹ Report of the Fifteenth Annual Meeting of the Commission, October 2008. Available at www.ccsbt.org

² The content of the forms was agreed at the CCSBT meeting in October 2008. However, the Secretariat has been tasked with additional work on form design. Finalised forms are likely to be available in mid 2009. Members will have an opportunity to comment on the forms before that point.

documentation includes recording of length and weight measurements of each tagged fish.

- 20 A flow chart of the process that will operate is contained in Appendix three.
- 21 Limited provision will be made for situations in which the southern bluefin tuna was caught as an unexpected bycatch, or if fishers were otherwise unable to tag the fish on-board the vessel. In these situations, tagging would occur at the licensed fish receiver (LFR) to whom the fish was landed.
- 22 MFish proposes that the regulations include a general requirement for fishers to tag and document their catches. These regulations would enable the CE to publish in the gazette, administrative matters pertaining to the regulations from time to time, as required. For example, the regulations may specify the requirement to tag southern bluefin tuna, but the gazette notice would provide additional details such as how a tag should be applied. Stakeholders would generally be consulted on administrative matters issued by gazette notice. These regulations would also enable the CE to publish gazette notices setting out any changes resulting from a formal resolution of the CCSBT. In such instances, the CE will merely be undertaking administrative action.

Rationale for Management Options

- 23 The CDS for southern bluefin tuna is proposed to be implemented either through stand alone regulations, or through amendments to existing regulations, under section 297 of the Fisheries Act 1996 (the Act).
- 24 For CCSBT, the fisheries management objectives of a CDS are:
- To contribute to overall fishery sustainability by helping ensure global catch limits are not exceeded as a result of IUU fishing;
 - As an integral monitoring, control and surveillance measure that allows ready identification of legitimately caught fish, and reduces incentives for IUU fishing to occur; and
 - To improve available information on size structure of the catch, as an important input into stock assessment.
- 25 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.³ As a founding member of CCSBT, New Zealand has contributed for over 20 years to management of southern bluefin tuna.
- 26 Recent investigations into allegations of substantial overcatches over a long period have led CCSBT to begin developing monitoring, control and surveillance measures. The CDS is seen as a central component of monitoring, control and surveillance measures, and has been the focus of

MFish will facilitate input from fishers into the form design.

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

many discussions at CCSBT's Compliance Committee since the committee first met in 2006.

Consultation

- 27 Some discussion has already occurred with commercial fishers likely to be affected. MFish received one submission from industry relating to an earlier proposal to put in place a tagging scheme (in advance of a formal resolution by CCSBT). That submission (from the Seafood Industry Council, SeaFIC), outlined that the seafood industry has long held concerns as to the illegal, unregulated and unreported fishing of southern bluefin tuna in the Pacific Ocean. The industry therefore supported MFish putting in place improvements for the management of the southern bluefin tuna stocks. SeaFIC was however concerned that New Zealand should not implement a tagging programme in advance of a resolution that would apply to all members (such as the resolution reached in October 2008).
- 28 MFish is aware that some 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. Preliminary trials have investigated effective methods for tagging (e.g. materials, location of tag).
- 29 MFish invites fishers and LFRs 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 weighing/measuring at the LFR or at sea. MFish also seeks the views of LFRs on the contribution required by them under the CDS.

Assessment of Management Options

Status Quo

Impact

- 30 After 1 January 2010, the status quo will no longer meet New Zealand's international obligations as a member of CCSBT.
- 31 Under domestic reporting arrangements, commercial fishers record their catches of southern bluefin tuna on catch reporting forms, such as the Tuna Longlining Catch and Effort Return (TLCER). Information collected on this form includes species caught, processed weight, and number of fish. Almost all targeted fishing for southern bluefin tuna is recorded on these forms. Catch and effort returns are provided to MFish on a monthly basis.
- 32 Exports of southern bluefin tuna must currently also 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.

- 33 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 global 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).

Costs

- 34 New Zealand has already indicated at various meetings of the CCSBT its strong support for improved flag state monitoring, control, and surveillance measures and a CCSBT CDS, in order to combat catch anomalies that have occurred in the past. New Zealand must implement the CDS resolution in order to maintain its access to export markets for southern bluefin tuna. Failure to implement the scheme would also be damaging to New Zealand's international reputation.

Benefits

- 35 There are no benefits to maintaining the status quo. The major markets for southern bluefin tuna are in CCSBT member states, and these states will be imposing the CDS requirements as of 1 January 2010. Although implementation of a CDS will involve changes for fishers, without complying with the CDS they will not be able to export their catches into CCSBT member countries and other cooperating countries including the United States, from 1 January 2010.

Option 1 – Implement the CDS

Impact

- 36 This option proposes new steps that must be taken when a southern bluefin tuna is caught commercially (either as a target or a bycatch). The steps include:
- Tagging each individual southern bluefin;
 - Measuring weight and length of individual fish;
 - Recording information on a Catch Monitoring Form and a Tagging Form
 - Reporting this documentation to MFish within a specified timeframe
- 37 In general, tagging will occur on board the fishing vessel. The other steps might occur either on board the vessel or at an LFR, as appropriate.
- 38 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. Japanese flagged vessels under charter to a New Zealand company also fish for southern bluefin tuna. These vessels are large freezer vessels (~56m) that retain the fish on board until it is unloaded in Japan.

- 39 Thirty nine vessels recorded landing or catching southern bluefin in the 2007-08 fishing season. Thirty one of these vessels were targeting southern bluefin. The size of the vessels ranged from 12m to greater than 100m. However, by far the majority of vessels targeting southern bluefin tuna fall into the 10m to 25m category.
- 40 The remaining eight vessels caught the bluefin as a bycatch in quantities ranging from 100 to 599 kg. With the exception of one liner (targeting bigeye tuna), these vessels were all large trawlers. Only one of these vessels actually landed the tuna (the other vessels recorded southern bluefin tuna as either eaten; lost at sea; or released under the provisions of Schedule 6 of the Fisheries Act 1996).
- 41 The requirement to tag each southern bluefin tuna fishers catch and kill will apply to fishers on all New Zealand-flagged vessels (whether fishing in New Zealand's fisheries waters, or on the high seas or in other jurisdictions under New Zealand's national allocation), and foreign owned vessels that are authorised to take southern bluefin tuna by their flag state, operating in New Zealand domestic fishery. Fish that are released alive in accordance with the provisions of the Sixth Schedule of the Act will not be covered by the regulations.

Tagging, measurements, and recording

- 42 MFish seeks input on a reasonable timeframe within which catch documentation must occur.
- 43 For monitoring 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. Fishers will be required to tag fish at the time of capture in most instances, so legitimately caught fish could be identified. Tags will be issued annually (using a calendar year), so the year in which a fish was caught can be readily identified. MFish will provide fishers and LFRs with the tags.
- 44 Provision will be made for situations in which a vessel catches southern bluefin tuna but lacks a tag for it. 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 2007-08 fishing year, 8 vessels caught southern bluefin tuna as a non-target catch, including seven trawl vessels (catch volumes ranged from 100 to 599 kgs – likely one to several fish).
- 45 If all vessels 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. It would be more practical for LFRs that receive landings of untagged southern bluefin tuna to request tags as required, or to hold a limited number of tags in stock. This system would make tag auditing more straightforward, and reduce the risk of tags becoming lost or misplaced.

- 46 Individual lengths and weights provide information that is useful as a further check in ensuring individual fish can be tracked from capture to market; and for scientific purposes. Discussions during adoption of the CDS resolution recognised some practical problems particularly with collecting length measurements.
- 47 Almost all vessels targeting southern bluefin tuna are considered 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.
- 48 If fishers were required to weigh and measure individual fish at sea, practical difficulties would arise, and the cost for fishers would be high (including the direct cost of purchasing the necessary equipment, as well as operational costs related to changing their fishing practices).
- 49 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. This will be necessary since the resolution specifies that measurements need to occur before fish are frozen.
- 50 The resolution outlines that the Catch Tagging Form (which includes length and weight measurements) shall be filled in as soon as practicable after the time of kill. Length and weight measurements shall be conducted before the tuna is frozen. However, the resolution also notes that “Where measurements cannot be accurately done on board the vessel, they may be made at the time of landing or transshipment, provided the measurements and the associated Catch Tagging Form are filled in before any further transfer of the [southern bluefin tuna].”
- 51 These provisions would allow for length and weight measurements to occur at LFRs where necessary. However, in situations in which on-board processing occurs (primarily to gilled and gutted, tail-off state), fork length measurements will be problematic. Length measurements may be able to be provided either as fork length or as length to the first dorsal fin, which could be converted to a fork length measure. This measurement should be considerably more straightforward to make.

Reporting

- 52 The agreed resolution requires Catch Monitoring Forms to be filled in and to accompany fish that is either sold on the domestic market or traded in other ways. A copy of these forms will also be forwarded on to MFish. Catch Tagging Forms do not accompany the fish directly, but a copy will be sent to MFish.
- 53 MFish will be required to report data or provide forms to the Secretariat on a quarterly basis. 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 consistent as possible.

Monitoring Compliance

- 54 The CDS resolution outlines that members shall undertake an appropriate level of audit, including inspections of vessels, landings, and where possible markets, to the extent necessary to validate the information contained in CDS documentation. 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. The necessary checks will involve modifications to current practices, including increases in the time required for individual inspections, and for discrepancy analysis. These changes will need to be considered within the risk framework for prioritisation of existing resources.
- 55 Most southern bluefin tuna is exported. 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.
- 56 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.

Costs

57 Impacts on fishers and/or LFRs include:

- additional logistical 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 on additional reporting forms; and
- potentially the need to obtain the necessary equipment to accurately measure fish (either on board vessels or at LFRs).

58 Other costs associated with the scheme include:

- Data entry and management, and development of a database for tagging information
- Education and support (including provision of equipment if required)
- Updating New Zealand Qualification Authority training for scheme validators
- Tagging costs
- General scheme administration (including tag management, auditing and discrepancy checking information)

- 59 For fishers who catch southern bluefin as an occasional bycatch, costs are likely to be minimal. If fishers land the fish, they will 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 will be required to fill in the Catch Monitoring Form (but not the Catch Tagging Form).⁴
- 60 For fishers targeting southern bluefin tuna, costs would be higher. Southern bluefin tuna is a high value fishery, and fishers generally attempt to minimise handling in order to maintain fish quality. Applying a tag should be relatively straightforward, and fits within existing practices for at least some fishers. MFish proposes to supply fishers with authorised tags and tag applicators (see appendix four for details). However, measuring fish will require more handling.
- 61 The scheme will also impose administrative costs on LFRs. LFRs do already record and pass information about fish on to fishers. The tagging and weight measurement components are likely to be fairly straightforward, but MFish anticipates some practical difficulties in obtaining length measurements. At busy times, up to one hundred southern bluefin tuna could be landed to an LFR per day. One LFR has estimated that in busy times, measuring fish lengths and filling in documentation would require an extra staff member. This requirement would probably apply whether or not fish have already been tagged on board the vessel, since it is the measurement component that will be more time-consuming.
- 62 New Zealand noted some of these challenges at the October 2008 meeting of CCSBT. While members acknowledged such challenges, members felt overall that the advantages of gaining length measurements out-weighed these challenges.
- 63 MFish proposes to visit affected fishers and LFRs as part of a road show that outlines the requirements of the CDS. The road show will also include provision of equipment as required. In particular, some LFRs will need callipers in order to be able to measure fish lengths (which is not part of current practices).
- 64 Over the longer term, costs of the CDS will depend on decisions about scheme administration. At present, the resolution requires all members to tag their catches, but allows for some flexibility about how individual members administer the tagging component. There is agreement to consider adopting a centralised scheme in the future. 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).

⁴ New Zealand cannot authorise any foreign owned vessel to take southern bluefin tuna that is not on the CCSBT Record of Vessels Authorised to Fish for Southern Bluefin Tuna. This means that the requirement to fill in the catch monitoring form would apply only to New Zealand registered vessels; or to charter vessels from CCSBT member countries that are listed on the CCSBT vessel list at <http://www.ccsbt.org/docs/search.cfm>.

- 65 Costs for scheme administration also depend to some extent on whether or not CCSBT chooses to move to a centrally-administered scheme over time. Costs would include tag administration (i.e. distribution to fishers and LFRs); development of reporting forms; and establishing and maintaining a database to record information. The Secretariat will cover most of the data costs, since forms can be sent directly to the Secretariat (rather than being entered into a database in New Zealand). The exception is the catch tagging forms, for which a database and data entry will be required.
- 66 MFish expects costs for tags 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). The tags that MFish has trialled (see Appendix four) cost \$0.81 per tag, with a single line of printing including a unique identifying number (for more information on the tag). MFish anticipates that approximately 6000 tags would be required annually for the New Zealand fishery. Over time, the costs of tag production and administration of the scheme will be cost recovered. New Zealand will investigate ways of minimising tagging costs, including through collaboration with other members including Japan and Australia.

Benefits

- 67 The CDS will provide a greater level of information to the CCSBT Secretariat and members. This information will provide a more robust basis for identifying any anomalies in reported information from the southern bluefin tuna supply chain, from landing to markets. The inclusion of length and weight information for individual fish in the catch of southern bluefin tuna could also increase the reliability of stock assessment models.
- 68 By implementing the CDS, New Zealand will meet an international obligation under the CCSBT. If the scheme contributes to reducing IUU fishing, which is one of its aims, New Zealand fishers will also benefit from increases to the stock size of southern bluefin tuna, which is currently at an historic low, in part because of unreported catches.

Statutory Considerations

- 69 Statutory considerations are outlined in more detail in appendix five.

Appendix One: Requirements of a tagging system

Note that CCSBT uses the acronym 'SBT' for southern bluefin tuna. The New Zealand QMS uses the code 'STN'.

The resolution agreed by CCSBT in 2008 includes the following requirements for a tagging system:

Minimum Procedural and Information Standards for CCSBT Member and Cooperating Non-Member Tagging Programmes

General requirements of an SBT tagging system

1. As outlined in section 1.7 and 1.8 of the Resolution, the SBT tag shall 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.
2. Members and Cooperating Non-Members shall take steps to ensure that SBT tags cannot be reused.

Specifications for SBT tags

3. Each SBT tag shall meet the following minimum standards:
 - a. have a unique pre-recorded tag number in an easily readable form;
 - b. tag numbering shall include a unique flag state identifier and a fishing year identifier (e.g. NZ-2008-000001);
 - c. be able to be securely fastened to SBT;
 - d. be non-reusable, tamper-proof and secure from counterfeiting or replication;
 - e. be able to withstand at least negative sixty (60) degrees Celsius temperatures, salt water and rough-handling; and
 - f. be food safe.

General requirements for tag related information

4. Members and Cooperating Non-Members shall record the distribution of SBT tags to entities they authorise to fish for, or farm, SBT.
5. In relation to each tag, Members and Cooperating Non-Members shall ensure their vessels and operators, and the relevant authorities have reporting procedures and formats allowing the collection of the required tagging information which must include month, area, and method of capture, and weight and length for each SBT.

6. All requirements of the CCSBT CDS Resolution outlined in Sections 5 – 9 of this resolution apply to tagging documentation and information for Members and Cooperating Non-Members implementing tagging programmes.

Appendix Two: Example CDS forms

The content of these forms was agreed at the CCSBT meeting in October 2008. However, the Secretariat has been tasked with additional work on form design. Finalised forms are likely to be available in mid 2009. Members will have an opportunity to comment on the forms before that point. MFish will facilitate input from fishers into the form design.

1. Catch Monitoring Form (example only)

DOCUMENT NUMBER		CCSBT CDS CATCH MONITORING FORM <input type="checkbox"/> Wild Harvest <input type="checkbox"/> Farmed				
1. CATCH TAGGING FORM DOCUMENT NUMBER(S): _____ _____						
CATCH SECTION: (wild fishery only)						
2. FLAG STATE/FISHING ENTITY: _____						
3. NAME AND REGISTRATION NUMBER OF VESSEL: _____						
FARMING SECTION:						
4. FARM AUTHORISATION NUMBER						
5. FARM NAME AND LOCATION						
6. DOCUMENT NUMBER(S) OF ASSOCIATED FARM STOCKING FORM(S)						
PRODUCT DESCRIPTION:						
7. DESCRIPTION OF FISH						
Product (a) F/FR	Type (b) RD/GG/DR/ FL/OT	Time of Harvest (mm/yy)	Gear code	Area (c)	Net Weight (kg)	No. of Fish (when RD, GG or DR)
(a): F=Fresh, FR=Frozen (b): RD=Round, GG=Gilled and Gutted, DR=Dressed, FL=Fillet, OT=Other (describe the type of product and the conversion factor used; _____.) (c): Statistical Area of SBT (1 to 10 and 14 to 15) or Other Areas (11 to 13)						
8. PROCESSING ESTABLISHMENT (if applicable) NAME AND ADDRESS 						
CATCH / HARVEST VALIDATION						
9. VALIDATION BY AUTHORITY (for transshipments, fill in only 10. Certification by master of fishing vessel) I validate that the information listed above is complete, true, and correct to the best of my knowledge and belief.						
Name & Title		Signature		Date		Official Seal

10. FOR TRANSHIPMENTS ONLY: CERTIFICATION BY MASTER OF FISHING VESSEL

I certify that the information listed above is complete, true, and correct to the best of my knowledge and belief.

Name & Title

Signature

Date

DOCUMENT NUMBER (cont)		CCSBT CDS CATCH MONITORING FORM				
INTERMEDIATE PRODUCT DESTINATION: (can select more than one if applicable)						
11. TRANSHIPMENT <input type="checkbox"/>		EXPORT <input type="checkbox"/>				
A. TRANSHIPMENT SECTION						
12. NAME AND REGISTRATION NUMBER OF RECEIVING VESSEL:						
13. FLAG STATE / FISHING ENTITY OF RECEIVING VESSEL:						
14. I certify that the above information is complete, true, and correct to the best of my knowledge and belief. Vessel master of receiving vessel						
Name		Address		Signature		Date
TRANSHIPMENT VALIDATION (for transshipments at sea)						
15. VALIDATION BY OBSERVER						
I validate that the information listed above is complete, true, and correct to the best of my knowledge and belief.						
Name & Title		Signature		Date		
16. Record document number for the associated transshipment form:						
B. EXPORT SECTION						
17. DESCRIPTION OF FISH (omit if identical to section 7 above)						
Product (a) F/FR	Type (b) RD/GG/DR/ FL/OT	Time of Harvest (mm/yy)	Gear code	Area (c)	Net Weight (kg)	No. of Fish (when RD, GG or DR)
(a): F=Fresh, FR=Frozen						
(b): RD=Round, GG=Gilled and Guttled, DR=Dressed, FL=Fillet, OT=Other (describe the type of product and the conversion factor used; _____.)						
(c): Statistical Area of SBT (1 to 10 and 14 to 15) or Other Areas (11 to 13)						
18. POINT OF EXPORT (CITY, STATE OR PROVINCE AND STATE/FISHING ENTITY)						
19. EXPORTER CERTIFICATION						
I certify that the information listed above is complete, true, and correct to the best of my knowledge and belief.						
Name & Title		Signature		Date	Licence number	
EXPORT VALIDATION						
20. VALIDATION BY AUTHORITY						
I validate that the information listed above is complete, true, and correct to the best of my knowledge and belief.						
Name & Title		Signature		Date	Official Seal	
FINAL PRODUCT DESTINATION:						
21. LANDING OF DOMESTIC PRODUCT <input type="checkbox"/>		IMPORT /EXPORT <input type="checkbox"/>				
A. LANDING OF DOMESTIC PRODUCT SECTION						
22. I certify that the above information is complete, true, and correct to the best of my knowledge and belief.						

Certification of domestic sale

Name	Address	Signature	Date
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Fill in if more than one buyer. If more than one buyer, record also the weight of SBT taken by each buyer:

Name	Address	Signature	Date
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Name	Address	Signature	Date
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Name	Address	Signature	Date
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B. IMPORT SECTION

23. I certify that the above information is complete, true, and correct to the best of my knowledge and belief.

Importer Certification (Final Destination of Shipment)

Name	Address	Signature	Date
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Final Point of Import: City _____ State or Province _____

State/Fishing Entity _____

Catch Monitoring Form instruction sheet

If a language other than one of the CCSBT official languages (English and Japanese) is used in completing the form, please add the English or Japanese translation on the Document.

Document Number

A unique document number allocated by the State/fishing entity of origin.

1. Document number(s) of Catch Tagging Form (s)

Record the document number of the associated Catch Tagging Form or forms.

Catch Section

2. Enter flag State or fishing entity of catching vessel(s).

3. Enter name of catching vessel(s) and vessel registration number(s).

Farming Section

4. Farm Authorisation Number

Fill in the number of the farm as found on the CCSBT list of authorised farms.

5. Farm Name and Location

Fill in the name and location of the farm from which the southern bluefin tuna were harvested.

6. Document number(s) of the associated Farm Stocking Form(s)

Product Description

7. Description of Fish

The shipment of SBT must be described, to the highest degree of accuracy using the following information. NOTE: One row shall describe one product type.

(i) Product: Identify the type of product being shipped as either FRESH (F) or FROZEN (FR),

(ii) Type: Identify the type of product being shipped as either ROUND (RD), GILLED AND GUTTED (GG), DRESSED (DR), FILLET (FL) or OTHER form (OT); for OTHER, describe the type of product in the shipment,

Each Member or Cooperating Non-Member shall advise the Executive Secretary of the product states and conversion factors they are using.

(iii) Time of Harvest: Fill in the time of harvest (in month and year) of the southern bluefin tuna in the shipment; in case of farmed fish, this applies to the time of kill, not the time of initial harvest,

(iv) Gear code: Identify the gear type which was used to harvest the southern bluefin tuna using the list below; for OTHER TYPE, describe the type of gear; in case of farmed fish, write "Farmed",

<u>GEAR CODE</u>	<u>GEAR TYPE</u>
BB	Baitboat
GILL	Gillnet
HAND	Handline
HARP	Harpoon
LL	Longline
MWT	Mid-water Trawl
PS	Purse Seine
RR	Rod and Reel
SPHL	Sport Handline

SPOR	Sport Fisheries Unclassified
SURF	Surface Fisheries Unclassified
TL	Tended Line
TRAP	Trap
TROL	Troll
UNCL	Unspecified Method
OT	Other Type

- (v) Area of Catch: Identify the area in which the southern bluefin tuna was harvested using the CCSBT Statistical Areas. In case of farmed fish, it is not necessary to fill in this column,
- (vi) Net Weight: Net product weight in kilograms; in case of farmed fish, fill in the raised product's weight,
- (vii) No. of Fish: If type is RD, GG or DR, fill in the number of fish.

8. Processing Establishment

Fill in the name and address of the processing establishment which processed the southern bluefin tuna in the shipment (if applicable).

Catch / Harvest Validation

9. Validation by Authority

Fill in the name and full title of the official signing the Document. The official must be in the employment of the competent authority of the flag state/fishing entity of the vessel that harvested the southern bluefin tuna appearing on the Document. This requirement with respect to any Member or Cooperating Non-Member may be met by an entity duly delegated by the authority of the flag State/fishing entity. The Member which utilizes a delegated entity shall submit a certified copy of such delegation to the Executive Secretary.

10. In the case of transshipments, the master of the fishing vessel shall fill in this section to validate that the form correctly records the fish that are being transferred to the receiving vessel.

Intermediate Product Destination

11. Indicate if the intermediate destination of the product is for transshipment and/or export.

A. Transshipment Section

12. The name and registration number of the receiving vessel is to be completed by the master of the vessel receiving the southern bluefin tuna.

13. The flag state/fishing entity to be entered by the master of the vessel receiving the southern bluefin tuna.

14. Master of the receiving vessel to complete name, address, signature and date to certify that the information provided as a record of transshipment is true and correct.

Transshipment Validation

15. Validation by Authority/Observer

If a transshipment is covered by the CCSBT *Resolution on Establishing a Program for Transshipment by Large-Scale Fishing Vessels* then the observer must complete this section.

16. Record the document number for the associated transshipment form

B. Export Section

17. Complete the description of fish in the same manner as specified for item 7 on this form.

Note: This item (17) of the form may be deleted from the final version of this form.

18. Point of Export (City, State or Province and State/Fishing Entity)

Identify the City, State or Province and State/Fishing Entity from which the southern bluefin tuna is to be exported. If the tuna is to be sold on the domestic market, leave blank.

19. The exporter must provide his/her/ name, address, date and signature to certify the information provided in relation to the export shipment (i.e. that the form correctly records what is being exported).

Export Validation

20. Validation by Authority

Fill in the name and full title of the official signing the Document. The official must be in the employment of the competent authority of the flag state/fishing entity of the vessel that harvested the southern bluefin tuna appearing on the Document. This requirement with respect to any Member of the Commission may be met by an entity duly delegated by the authority of the flag State/fishing entity. The Member which utilizes a delegated entity shall submit a certified copy of such delegation to the Executive Secretary.

Final Product Destination

21. Indicate whether the final destination of the product is for landing of domestic product or export.

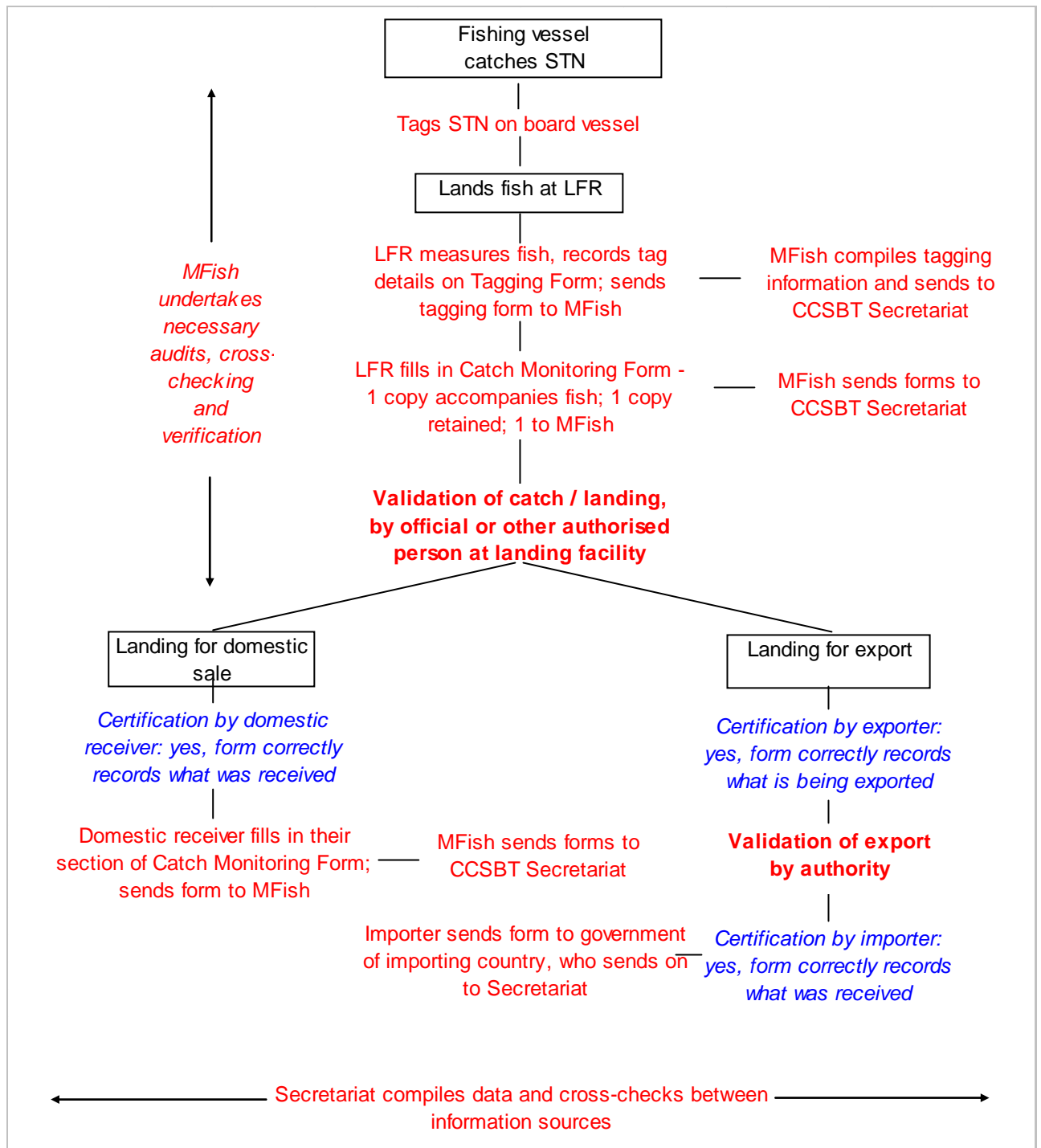
A. Landing of Domestic Product Section

22. The person or company that receives southern bluefin tuna from a domestic vessel for the purpose of domestic sale must provide his/her/its name, address, signature, and date on which the southern bluefin tuna was received. Each buyer must also provide his/her name, address, signature, and date on which the southern bluefin tuna was received. If more than one buyer, the weight of SBT taken by each buyer must also be recorded.

B. Import Section

23. The person or company that imports southern bluefin tuna must provide his/her/its name, address, signature, date on which the southern bluefin tuna was imported, and final point of import. This includes imports into intermediate State (if applicable). For fresh and chilled product, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

Appendix Three: Flow chart of catch documentation scheme



This flow chart shows the most likely sequence of events for the New Zealand domestic fishery. Note that for the charter vessels, measurements will occur on board the vessels rather than at licensed fish receivers.

Appendix Four: Details of proposed tagging system

MFish ran trials in 2008 to investigate the most suitable type of tagging arrangements in the New Zealand fishery. The trials focussed on the domestic fleet. The trials showed a clear preference for a type of tag that is applied with an applicator, of the sort commonly used in animal management (a 'cow ear' tag). Each tag can only be used once.

For more information on this style of tag, see:

http://www.zeetags.com/ra.asp?url=/webfiles/ZeeTags/files/6489_Zeetags_ID_Brochure_LR.pdf



The photo below shows one of these tags being used in the domestic tuna fishery.



The Japanese charter vessels also use tags that are currently supplied by the Japanese government. These tags are a hospital wristband style tag. Under the agreed resolution, it will be New Zealand's responsibility to ensure the charter vessels are able to meet all the requirements of the CDS (including through provision of tags as required). The tags proposed for the domestic fishery have not yet been trialled with the charter vessels, where catch is frozen to minus sixty degrees. The fish are also processed differently on board these vessels. Further work is needed to ensure the tag

type also suits conditions on these vessels. Trials with charter vessels will occur during 2009.

Appendix Five: Statutory Considerations

70 MFish has considered the followed statutory considerations in relation to the management options in this paper. These are summarised below:

- a) **Section 5(a) – Application of international obligations:** A wide range of international obligations relate to fishing (including sustainability and utilisation of fishstocks and maintaining biodiversity). CCSBT resolved in October 2008 to establish a CDS, to be in place by 1 January 2010. MFish considers that the CDS proposal outlined in this paper would meet New Zealand’s international obligations under the Convention for the Conservation of Southern Bluefin Tuna.
- b) **Section 5(b) – Application of Treaty of Waitangi (Fisheries Claims) Settlement Act 1992:** MFish considers that the CDS proposal is consistent with the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- c) **Section 8 – Purpose:** The purpose of the Act is to provide for the utilisation of fisheries resources while ensuring sustainability.

Establishing a CDS will have some impacts on fishers’ ability to utilise the resource. For example, the time required for fishers to process each fish would likely increase. 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, 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, maintaining catches within sustainable limits 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 size.

- d) **Section 9 – Environmental Principles:** Section 9 requires that certain environment principles are taken into account when 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.

The CDS proposal is unlikely to increase catches of southern bluefin tuna or any associated or dependent species, or have any significant impact on associated and dependent species. The CDS proposal would likely contribute to the 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 CDS proposal does not affect habitats of particular significance to fisheries management.

- e) **Section 10 – Information principles:** Section 10 requires that decisions should be based on the best available information. Decision makers should consider any uncertainty in the information available and should be

cautious when information is uncertain, unreliable or inadequate. 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 the Act.

There is some uncertainty about the details of likely impacts of the CDS proposal on fishers. MFish is seeking additional information from fishers on the potential impacts of the CDS on their fishing operations, particularly in relation to possible impacts on time, costs, and the practicality of the proposed options.

There is also some uncertainty about how the CCSBT CDS will develop over time (for example whether a centralised tagging system will be adopted). MFish proposes to deal with this uncertainty through implementation of a general framework in regulations. Any detailed specifications by the CCSBT can be implemented by notice in the gazette.

- f) **Section 297 – General Regulations:** The Governor-General may by Order in Council make regulations for a wide range of purposes provided under s 297, including:
- i) **Section 297(1)(a)(xi)**, which 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)**, which 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)**, which 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;
 - iv) **Section 297(1)(d)**, which provides for regulations to be made which authorizes the chief executive to require any applicant for any licence, permit, approval, or other authority under this Act; or the holder of any such authority to provide to the chief executive such information as the chief executive may reasonably require for the purpose of the Act;
 - v) **Section 297(1)(e)**, which provides for regulations to be made which defines the vessels or classes or types of vessels to which any regulations are to apply;
 - vi) **Section 297(1)(h)**, which provides for regulations to be made prescribing the accounts, records, returns and information that any person or class of persons may be required to keep or provide;
 - vii) **Section 297(1)(n)**, which provides for regulations to be made creating offences in respect of the contravention of, or non compliance with any regulations made under the Act; and imposing fines;

- viii) **Section 297(1)(o)**, which provides for regulations to be made implementing any provisions of, or giving effect to any treaties or agreements to which New Zealand is a party and declaring any such regulations to apply beyond the outer limits of New Zealand fisheries waters in respect of any New Zealand citizen, person entitled to reside in New Zealand indefinitely, body incorporated in New Zealand, or any New Zealand ship or vessel registered under this Act;
- g) **Section 297(2)(a)** - regulations may authorise the Minister or Chief Executive to issue or impose any authority, approval, requirement, prohibition, restriction, condition, direction, instruction, order, permit, notice or circular.
- h) **Section 297(2)(b)** - regulations may 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.
- i) **Section 297(3)(b)** outlines that regulations made under section 297 may be applied to New Zealand nationals and New Zealand ships when they are outside New Zealand fisheries waters.

71 MFish considers the proposed CDS fits within the relevant provisions of section 297.

REGULATORY IMPACT STATEMENT

Catch Documentation Scheme for Southern Bluefin Tuna

a) Executive summary

The Ministry of Fisheries proposes regulations to establish a Catch Documentation Scheme for southern bluefin tuna, by 1 January 2010. The scheme is required under a resolution agreed by the Commission for the Conservation of Southern Bluefin Tuna at its annual meeting in October 2008.

b) Adequacy statement

This RIS has been approved by the Regulatory Impact Analysis (RIA) Steering Group according to criteria agreed by Cabinet.

c) Status quo and Problem

New Zealand is a Member of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT). Southern bluefin tuna is overfished and internationally has been subject to illegal, unreported, and unregulated (IUU) fishing. There is a need for tighter monitoring of southern bluefin tuna catches and for better information for scientific purposes.

At its annual meeting in October 2008, CCSBT agreed to implement a catch documentation scheme for southern bluefin tuna by 1 January 2010.

The scheme incorporates tagging, measurement, and documentation of individual southern bluefin tuna. The catch documentation scheme will help prevent IUU fishing. Length and weight information for individual fish will also provide valuable scientific data.

New Zealand now has an international obligation to implement the catch documentation scheme, including through the development of regulations that set out the obligations on fishers, fish processors, importers and exporters.

d) Objectives

The objectives of the catch documentation scheme are:

- To contribute to overall fishery sustainability by helping ensure global catch limits are not exceeded as a result of IUU fishing;
- As an integral monitoring, control and surveillance measure that allows ready identification of legitimately caught fish, and reduces incentives for IUU fishing to occur; and
- To improve available information on size structure of the catch, as an important input into stock assessment.

These objectives relate closely to key government objectives for managing fisheries, including:

- The sustainable utilisation of the resource;

- Maximising the value of the resource; and
- Credible management of the resource.

e) Alternative options

No alternative options have been considered. New Zealand has an international obligation to implement the CDS as per the agreement reached at CCSBT in 2008.

f) Preferred option

Only one option is proposed, which is to implement the catch documentation scheme. The preferred approach is to create regulations that outline the general requirements of fishers, licensed fish receivers, importers, exporters and domestic traders of southern bluefin tuna. Operational details will be specified by instructions issued by the Chief Executive from time to time.

This approach allows New Zealand to meet its international obligations. Some flexibility is also retained to make operational-level changes to how the system will operate.

g) Impacts

Impacts on fishers and/or licensed fish receivers include:

- Additional logistical requirements (e.g. the need to obtain approved tags in advance of fishing);
- Additional time required to process and handle each fish;
- The need to record and report on additional reporting forms; and
- Potentially the need to obtain the necessary equipment to accurately measure fish (either on board vessels or at licensed fish receivers)
- Additional administration requirements within MFish.

h) Benefits

By implementing the CDS, New Zealand will meet an international obligation under the CCSBT. New Zealand fishers will retain access to their most important markets for southern bluefin tuna (which would not be available if New Zealand did not comply with the scheme).

If the scheme contributes to reducing international IUU fishing, New Zealand fishers will also benefit from increases to the stock size of southern bluefin tuna, which is currently at an historic low, in part because of unreported international catches.

The proposal involves either the creation of new stand-alone regulations, or modifications of various existing regulations. No existing rules would be made redundant, although an existing Trade Information Scheme will be replaced with the broader CDS.

i) Costs

Southern bluefin is a high value fishery, and fishers generally attempt to minimise handling in order to maintain fish quality. Applying a tag should be relatively straightforward, and fits within existing practices for at least some fishers. However, measuring fish would require more handling.

The scheme will also impose administrative costs on licensed fish receivers. MFish anticipates some practical difficulties in obtaining length measurements in particular. One fish receiver has estimated that, in busy times, measuring fish lengths and filling in documentation would require an extra staff member.

Over the longer term, costs of the CDS will depend on decisions about scheme administration, such as whether or not CCSBT chooses to move to a centrally-administered scheme over time. Most data management costs will fall on CCSBT rather than individual countries.

The CDS resolution outlines that members shall undertake an appropriate level of audit to validate the information contained in CDS documentation. The necessary compliance checks will involve modifications to current practices, and may involve the need for re-prioritisation of existing resources.

The costs of tag production and administration of the scheme will ultimately be cost recovered from commercial fishers.

Costs for MFish associated with the scheme include:

- Data entry and management (\$3,000-8,000 per annum)
- Education and support (including provision of equipment if required) (\$3,000-4,000, one-off)
- Updating New Zealand Qualification Authority training for scheme validators (\$3,000-\$4,000, one-off)
- Tagging costs (\$5,000 - 6,000 per annum)

j) Implementation and review

MFish proposes to visit affected fishers and licensed fish receivers as part of a road show that outlines the requirements of the CDS.

MFish has already done some work with fishers to trial different tagging options, and further trials will occur in the 2009 season.

Regulations will be put in place for 1 January 2010. Details of the scheme may change from time to time, following review within CCSBT.

k) Consultation

Some discussion has already occurred with commercial fishers likely to be affected, including in advance of the CCSBT meeting in October 2008. Preliminary trials have investigated effective methods for tagging (e.g. materials, location of tag).

Road shows are planned to ensure fishers and licensed fish receivers are aware of their obligations under the scheme, and to receive input into practical details of the scheme, which can be incorporated into the gazette

notice that specifies operational requirements for the scheme (e.g. details of tagging).