

REGULATORY IMPACT STATEMENT

Paua Accumulation Limit

a. Executive Summary

There is a large amount of paua illegally harvested each year in New Zealand that severely threatens the sustainability of paua stocks. The magnitude of this problem is seen in the large number of offences detected each fishing year related to taking excessive quantities of paua by recreational fishers. Most recent indicators come from operation PAID. The one poaching ring busted in this operation traded more than 9 tonnes of paua (greenweight), with one single individual buying 6 tonnes valued at approximately \$324,000, during the duration of the Operation (8 months or so). To put this in context, the total allowable commercial catch in PAU 1 is less than 2 ton, in PAU 2 120 ton. If we extrapolate this to poaching rings around the country and opportunistic offences by recreational and commercial fishers plus the fact that these activities occur throughout the year, the potential impact on stocks is significant. Since October 2001 to September 2008 there were 2867 recreational offences detected and recorded (so on average 409/year) by the Ministry of Fisheries (MFish) for possessing paua in excess of the bag limit – these is an indicator of those “opportunistic offences” by recreational fishers.

There is a defence available in the regulations that a person can be in possession of more than the daily limit if they can satisfy the court that the paua was legally taken over a number of fishing days. This accumulation defence provides a mechanism that people involved in illegally harvesting paua can exploit. MFish’s preferred option is to set an accumulation limit on the amount of paua that one person can have in their possession at any one time. The preferred option provides an effective mechanism to assist in minimising large scale poaching and black market activity. The proposal does impact on legitimate fishers wanting to collect or export paua, collected over a number of days.

b. Adequacy Statement

This Regulatory Impact Statement has been approved by the MFish’s Regulatory Impact Analysis Steering Committee and is considered adequate according to the criteria agreed by Cabinet.

c. Status Quo and Problem

There is a defence available in the fisheries regulations that a person can be in possession of more than the daily limit if they can satisfy the court that the paua were legally taken over a number of fishing days.

This defence provides a mechanism that people involved in large scale poaching and black market activities exploit, and consequently threaten the sustainability of paua resources.

Action is required to restrict avenues that allow poaching and black market activity, and to increase opportunities to prevent or identify illegal fishing.

d. Objectives

The key fisheries management objectives for paua stocks are:

- Sustainable utilisation of the paua resource; and
- Management of the paua resource is credible.

e. Alternative Option

There is no alternative option other than the status quo. If no action is taken MFish's ability to reduce the current level of offending is hindered by allowing continued excessive accumulation of recreationally taken paua.

f. Preferred Option

MFish's preferred option is to set an accumulation limit on the amount of paua that a person can have in their possession at any one time; and work with Customs New Zealand to support this by restricting the personal export of paua to the accumulation limit.

The accumulation limit will apply to all New Zealand fisheries waters, except for the Fiordland Marine Area where an accumulation limit is already set that is more restrictive than the proposed accumulation limit for the rest of New Zealand.

Implementation of an accumulation limit will more clearly identify legitimate amateur catches of paua from those belonging to poaching and black market activity. The accumulation limit will have an impact on poaching and black market activity involving possession (during storage, transportation, and export) of paua. The main benefit of restricting the personal export of paua is to constrain the removal of paua from New Zealand.

The accumulation limit will impact on fishers who legitimately accumulate paua for personal use. The accumulation limit has the risk of driving fishers to act illegally and adopt practices like re-labelling of catches with other family or fishing party names to bypass the accumulation limit. By setting an accumulation limit at this level that most fishers view as being reasonable will mitigate these risks as mentioned above.

g. Implementation and Review

The proposal will be given effect by the introduction of new regulations setting an accumulation limit for paua. MFish and Customs New Zealand will work together to restrict the personal export of paua to the accumulation limit in order to close this avenue for export of illegally harvested paua.

Notification of any new requirements arising from these proposals will be made by communications with: MFish customary and recreational fisheries forums; commercial paua industry; public advertising in the major newspapers and regional radio stations; and distribution of pamphlets through MFish offices and sporting goods stores.

h. Consultation

Restricting personal export of paua was one of the high priority recommendations to the previous Minister of Fisheries from Joint Paua Fishery Working Group¹ (the Working Group) in 2005. The Working Group proposed restricting personal export of paua, unless people can prove the paua have been legitimately sourced from a commercial source. The previous Minister accepted a recommendation that consultation be undertaken on this issue. The Paua Industry Council has requested that MFish action the recommendation concerning the personal export of paua.

A discussion document was prepared and circulated to MFish customary and recreational fishing forums during 2008 on paua accumulation limits and personal export. The forums suggested various levels of restrictions for an accumulation limit and personal export, and these comments help shape the options under consideration.

¹ A joint working group of commercial industry and MFish representatives.