

# thebrite

NEWS FROM MFish WINTER 2001



MFish develops a comprehensive Treaty of Waitangi strategy



Questioning popular belief that overfishing is the reason shellfish are diminishing in the Hauraki Gulf



Finding out more about Bonamia in oysters



Futures at stake: safeguarding Hector's dolphins

## Rapid QMS expansion – target of 50 new species within three years.

In response to stakeholder requests, the Ministry of Fisheries has decided to increase resources dedicated to introducing new species into the Quota Management System (QMS). MFish has lifted its original plans to introduce seven or eight species over the next couple of years, and now plans to introduce 50 new species over the next three years. The exact timing and number of introductions has yet to be determined, but the rate of progress could be 10 new species in 2002, 20 new species in 2003 and a further 20 species in 2004. In deciding to speed up the introduction of new species into the QMS, MFish is acknowledging the Seafood Industry Council's views and those of Te Ohu Kai Moana that there will be significant benefits in speeding up the number of species within the QMS. MFish has also decided to start a process to document current stock management strategies for QMS species, which will help iwi and stakeholders develop fisheries plans by providing a foundation for planning.



MINISTRY OF FISHERIES  
Te Tautiaki i nga tini a Tangaroa



## In depth

It is with pleasure that I welcome you to the first edition of *The Bite*, our newsletter to tangata whenua and stakeholders.

We are proud of our success in fisheries management, and are always looking to achieve more. For this reason, last year we charged an organisational design team with the task of positioning MFish for even greater success in the future. As a result, decisions were taken across a broad front, aimed at improving our performance and capability.

One of the more significant themes of that work was our recognition of the need for increased participation in fisheries management by tangata whenua and our stakeholders. This newsletter sprang from that work: it is a new way of keeping you in touch with our progress, telling you what we are up to in key areas of our work.

The Ministry is the principal adviser to Ministers on the sustainable utilisation of fisheries resources and marine biosecurity. Our focus is on enhancing the value and enjoyment of our fisheries for all New Zealanders, and in managing risks to the marine environment from biosecurity threats. Related to this focus are a number of important initiatives and projects, which you can read about in this and forthcoming issues.

I commend this first edition of *The Bite* to you and hope you find it useful and enjoyable. We would welcome your feedback and would appreciate your taking the time to fill in the reader response form provided.



Warwick Tuck  
Chief Executive

# MFish fronts up to Treaty obligations

**The Ministry of Fisheries has a number of obligations to Māori arising from the settlement of fisheries claims, and, like all Crown agencies, MFish also has an overarching obligation to act in accordance with the principles of the Treaty of Waitangi.**

The Treaty of Waitangi (Fisheries Claims) Settlement Act and Treaty obligations have an impact, either directly or indirectly, on all aspects of MFish business. While the Ministry has a high level Treaty Strategy statement, we do not have a comprehensive strategy for delivering on our obligations under the Fisheries Settlement and the Treaty. This poses potential risks for the organisation – the risk of not fully delivering on components of the fisheries settlement, the risk of creating new grievances, and internal risks in not making the best utilisation of staff and resources that have been dedicated to fulfilling our obligations. The need to develop a comprehensive Treaty Strategy was highlighted by the recent review of the Ministry's organisational design.

The finished Treaty Strategy will provide a framework against which to consider the separate obligations, and to co-ordinate the different

groups within MFish that are actively involved in delivering on those obligations. The strategy will encompass all aspects of the Ministry's relationship with Māori, and provide a context for strategic and operational policy development associated with our Treaty and Settlement Act obligations.

### Process and timeframe

The process to review the Ministry's Treaty Strategy will be as crucial to the overall outcome as the content of the strategy document itself. There are a number of constraints governing the content of the Treaty Strategy and the process by which it is developed. Principal among these constraints are the Settlement Act and Treaty obligations themselves, which define the scope of the project.

The Treaty Strategy project team within MFish is made up of a core group of seven individuals

drawn from the Policy and Treaty Strategy, Fisheries Management, Compliance and Legal Services teams of the Ministry. A wider reference group of 12 individuals from across the Ministry has been established to provide regular peer review and feedback on material produced by the core team. Other groups within the Ministry are likely to play an important part in the development of the strategy – in particular the Ministry's Māori staff network, Te Roopu Awatea, and the Customary Implementation Group working on the implementation of the customary fishing regulations.

The first stage of the project is by necessity an internal one – achieving consensus within the Ministry as to the full nature and extent of our Settlement Act and Treaty obligations, a stocktake of our current processes and resources in the Treaty area, and some initial thinking from a Ministry perspective on what steps may be required in key areas to deliver on our obligations, and how these might combine in terms of an overall strategy.

It is hoped to have this first stage completed by October. Input from Māori will be sought during the last quarter of this year and early next year, followed by consultation with other stakeholders and the finalisation of the Treaty strategy.

## Sussing out oceans vision

**From the next two months the Ministerial Advisory Committee on Oceans Policy, led by Dame Cath Tizard, will hold a series of public meetings and Hui across the country aimed at sussing out New Zealanders' goals, visions and values for the marine environment.**

The Advisory Committee will be talking with New Zealanders about issues such as:

- what do they value about the oceans
- how does their lifestyle benefit from, and impact on, the oceans
- what do they want to happen in the marine environment.

Since most uses of the marine environment also impact on other uses – for example marine farms and marine reserves can prevent fishing – an important part of the discussion will be on how potentially conflicting goals and values should best be managed.



### OCEANS POLICY

This public consultation process is stage one of the Oceans Policy project. The overall aim of the project is to create an integrated and comprehensive framework to guide the way New Zealanders interact with the marine environment. A team of Ministers, headed by Hon Pete Hodgson, is leading the project. MFish is participating in

the project together with individuals from a dozen government agencies as well as a local government representative.

The Advisory Committee is due to report back to Government by 30 September 2001. The information in their report will provide an important basis for stage two of the project – policy development, and the government is scheduled to make policy decisions by 1 October 2002. Stage three of the project will be implementation.

To find out more, including the public consultation schedule, go to the Oceans Policy website [www.oceans.govt.nz](http://www.oceans.govt.nz). Alternatively, the Oceans Policy Secretariat has a free phone number (0800-001-461) to request further information. As well, copies of a background booklet prepared by the Advisory Committee will be available from local offices of MFish, the Department of Conservation and Te Puni Kōkiri.

“The work between local iwi and MFish to manage their taonga has been great. We’re getting to know each other better. There’s more co-operation now and a feeling that we’re working for our common good.” Wiremu Gillies



## Treaty strategy objectives

The principle objectives for the Treaty Strategy project are to:

- provide a comprehensive assessment of the Ministry's Settlement Act and Treaty obligations
- seek the input of Māori into the strategy for delivering on those obligations
- discuss the strategy with stakeholders
- detail how a wide range of activities associated with the Ministry's obligations are linked, including the accountabilities for these activities
- address the relationship between Treaty obligations and the internal people policies and programmes of the Ministry, particularly as they relate to staff working in Treaty related areas
- provide a common source of information and a framework to assist MFish in its planning, decision making and resource allocation
- provide the basis for the Ministry's monitoring and reporting on how it is meeting its obligations
- provide a degree of assurance that all obligations are well documented and understood, and being delivered upon.

## Key issues

Key issues to be covered by the Treaty Strategy include:

- Customary fisheries management and the appointment of kaitiaki by tangata whenua under customary fishing regulations
- Relationship and capacity building – how does MFish provide for the input of tangata whenua into wider fisheries management processes?
- Māori commercial fisheries interests and the role of the Crown in respect of those interests, both before and after species enter the Quota Management System – including issues surrounding the allocation of settlement assets
- Roles and accountabilities within MFish for delivering on our obligations, and the internal policies and procedures required to support staff to fulfil our obligations.

# Where have all the shellfish gone?

**A popular theory, that shrinking numbers of shellfish in the Hauraki Gulf are caused solely by people over-fishing the resource, has now been questioned.**

For some years locals viewed the diminishing resource with growing concern. Media reports increased, fuelling public, local body politicians and Members of Parliament's worries about the matter. Generally, the assumption was made that over-harvesting, particularly by newer immigrants, had led to the fall in shellfish numbers.

Prompted by the public concern, the Ministry of Fisheries investigated the distribution, abundance and size frequency of shellfish on 18 beaches within the Gulf which had previously had large populations of popular shellfish species. These quantitative surveys were carried out from 1992.

Certain trends were detected, indicating specific concern about the falling numbers of cockle and pipi

in some parts of the Hauraki Gulf. The Ministry took action, constraining harvesting by reducing the daily bag limit to one-third of what it had been. Working in partnership with local iwi and communities, "rahui" or closures of depleted areas were also put in place.

But the result is that, eight years since these measures were taken, the closures have been a failure from a biological standpoint, because there's no sign of recovery in shellfish numbers. The conclusion? Harvesting pressures alone may not be the cause of the continued depletion.

There are many other possible explanations. Localised sedimentation and pollution related to land use activities is one. Change in broad scale environmental conditions such as weather patterns, and biological

factors (such as competition or food supply) are others.

If the problem is due to the former cause, the way to deal with it is through the Resource Management Act, which is primarily administered through local authorities. This means a co-ordinated response is needed and, since all local authorities representing the Hauraki Gulf belong to the Hauraki Gulf Forum, it is in an ideal position to co-ordinate a response.

For this reason, the Forum was approached, asked to co-ordinate a response to the problem, and has agreed. It's asked a technical group to scope the issue by identifying all relevant research work and then suggest further work to determine the cause of the problem. The Forum will also be well placed to co-ordinate any response that may ultimately be required in order to safeguard the future of this valued resource or taonga in the Hauraki Gulf.

## Fisheries plans

New Zealand fisheries management is once again at the forefront of innovation with a shift which will open up planning to stakeholders.

This new approach means stakeholders will be able to develop their own customised solutions to manage a fishery through a Fisheries Plan, using whatever means are needed to best manage a fishery within a broad framework and in a manner that allows the Minister of Fisheries to be assured statutory obligations will be met.

A draft version of this framework has been prepared by the Ministry of Fisheries, and was circulated for discussion early this year, and in April, May and early June it was discussed at a series of meetings within the Ministry, with other government departments and stakeholders.

This consultative phase was a valuable opportunity to test the robustness of the draft framework against the aspirations and expectations of a range of interests in fisheries management. The discussions gave the MFish Project Team quality feedback to consider.





### Fisheries plans continued

Many stakeholders also set out their views in submissions.

During this phase the Minister of Fisheries Hon. Pete Hodgson, in an address to the Seafood Industry conference, was particularly supportive of the framework.

“The whole exercise of developing and consulting on the draft framework has been enlightening, challenging and rewarding for the Project Team,” said MFish Project Leader Kim Drummond. “Overall we are heartened by the widespread support for fisheries plans.”

“During the course of the project, the relevance and value of our strategic direction became obvious when we were faced with the choice of strategies to pursue in the framework documents.”

“The feedback has identified several areas that the framework can improve on and we are confident the framework we’ll ultimately develop will make a positive contribution to achieving desirable fisheries management outcomes.”

**Project Team:** Kim Drummond (Leader), Lee Robinson, Nick Wyatt, Jonathan Peacey.

## Ready, steady, no!

**A struggle for existence is taking place off New Zealand’s coastline. At stake is the future of New Zealand’s only native dolphin, the rare, endangered Hector’s dolphin, which was declared a threatened species in December 1999.**

The situation is at a critical stage. Available scientific information suggests there may be only 100-150 Hector’s dolphins remaining in the North Island west coast, and models calculate that the population may eventually decline to extinction if the bycatch rate is more than one dolphin in a five year period. In the South Island the position is serious, particularly in the South Island south coast, where there are similar problems.

Part of the reason Hector’s dolphins are dwindling in numbers is that they are introverted and fussy about the company they keep. Four regional populations have been identified which appear to be isolated and relatively small, with clusters having home ranges of about 60 kilometres. During daytime in the summer,

Hector’s dolphins have mainly been sighted within about four nautical miles of the coast, especially in the nearshore murky water. However, the scope of their winter distribution and night excursions are not known.

There’s little or no female migration, but the males appear to move around seeking receptive female company. This situation, and their use of shallow, often muddy coastal waters, makes them especially vulnerable to entanglement in set nets.

Because the numbers are small and the population growth rate low, any death from fishing has serious implications for their survival. Indeed, the maximum level of allowable bycatch in fishing operations ranges from four dolphins a year in the East Coast of the South

Island, to one dolphin every five years on the Southland Coast.

Inevitably, unwanted, untargeted species will be caught during fishing. DoC databases indicate that both recreational and commercial set nets cause dolphin deaths. Set netting usually involves using nets placed on the seafloor for periods of time.

This year there were five dolphin deaths in the Canterbury recreational set net fishery, but no accidental catches reported from customary and commercial fishers. This situation was a trigger point, and the government took immediate action to protect the dolphins, introducing a temporary prohibition on recreational set netting in the Canterbury area from 13 April to 30 September 2001.

Long term, the government directed MFish to develop management measures to address recreational set net issues, and introduce them from 1 October 2001.

We have now drawn up options and are consulting fishers from all sectors in the North and South Islands about them. We recognise the urgent need for us all to work together and find an acceptable solution to protect these precious animals.

# “Excuse me, but what happened to my oysters?”

**Just as aficionados around the country were readying themselves for that first delicious bite of the oyster season, they were whipped away. The reason? Bonamia.**

Last year a high incidence of bonamia was discovered in an oyster bed in the northern part of Foveaux Strait. Following this, a survey to check the prevalence of bonamia in oyster beds was carried out. This found that the outbreak was confined to

the one oyster bed, and the Bluff Oyster Management Company took steps to reduce the risk of spreading the disease to other beds during the rest of the season.

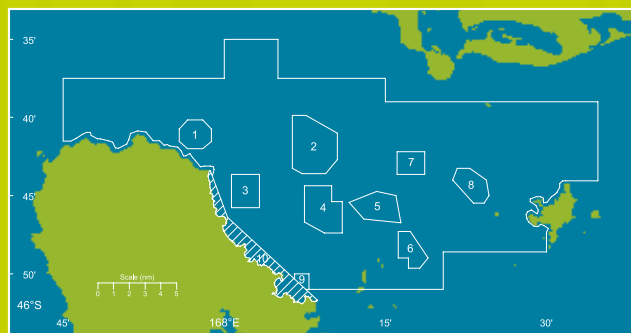
The recurrence of the disease prompted discussions between MFish and the Bluff Oyster Management Company, resulting in a decision to commission the National Institute of Water and Atmospheric Research Ltd (NIWA) to develop a research strategy.

Work is now underway to develop new techniques to identify oysters infected with bonamia more accurately and rapidly, and work out how the disease spreads. Later this year, there will be a Foveaux Strait-

wide survey. Once the results of the studies are known, appropriate management actions, such as catch limits and the season start date, will be determined.

In the meantime, log books used by the oyster fleet have been modified to record information on recently dead oyster shells, as a proxy for bonamia infestation, which will provide important information on the distribution and dynamics of the disease.

Last season, most reports of dead



**Position of main oyster beds in the Foveaux Strait oyster fishery. The area affected by Bonamia is within bed 2.**

oysters were from the north-west of the Foveaux Strait fishery, as shown in the map, but this season there have been reports of dead and infected oysters from other parts of the Strait.

While the disease does not pose a human health risk, it is a serious oyster pathogen, and in the early 1990s an outbreak of the disease decimated the Foveaux Strait fishery.

There have not been any significant outbreaks for the past six years. Recurrences of the disease are to be expected, as oyster density rebuilds and oysters lose their immunity to bonamia, but do not necessarily indicate that a more widespread outbreak of the disease is imminent. However, given the impact bonamia had on the fishery between 1986 and 1992, any recurrence is a cause for concern.

Bonamia is believed to be endemic to the oyster fishery and is found at low levels throughout New Zealand. It is likely to have been responsible for previous downturns in the Bluff oyster fishery.



# Hull hitchhikers to face tough regulations

**When exotic organisms enter our waters they are often extremely destructive of our aquatic environment. To protect the environment, MFish is imposing tougher legal constraints on ships aimed at preventing unwanted exotic organisms. It is hitting the two most likely ways exotic organisms enter NZ's marine environment: ballast water, and hitchhiking on hulls.**

Tough legal controls are already in place for ballast water. Now, MFish's Biosecurity group is developing a regulation to ensure fouling organisms removed from vessel hulls are not washed back into the sea.

Controls similar to those for ballast water discharges are envisaged for fouled hulls coming into New Zealand, but first, suitable cleaning methods need to be in place for any vessels that arrive and need to be managed. As well, suitable cleaning methods are required within New Zealand waters. These will mean that exotic organisms already here, such as the seaweed, *Undaria*, are not spread from one port or harbour to another when boats that have been tied up in one place go up on the slip in another port or harbour.

MFish is working with the Ministry for the Environment to

develop a regulation under the Resource Management (Marine Pollution) Regulations which will impose a standard, such as maximum



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particle size, on the discharges from vessel cleaning.

This standard will be decided using results of a research project that Kingett Mitchell and Associates have undertaken. They have surveyed all existing cleaning methods and collection systems in New Zealand and looked at the types of fouling material that need to be collected in order to reduce the risk to an acceptable level. The results of the research are expected soon, and will be in the form of a guideline for boat maintenance operators and resource consent managers indicating the type of upgrade required to meet the standard. The standard will apply to dive contractors employed in 'in-water' vessel hull cleaning as well as to boat slips and dry docks. (Apparatus for collection of material by vacuum suction is being

developed for 'in-water' cleaning.)

A consultation paper on the proposed regulations will be sent to all those involved in ship and boat maintenance and its effects on biodiversity and the environment soon. We hope to have a regulation in force before the end of the year. This will include a delayed commencement date of, possibly, 12 months, to allow time for the upgrading of cleaning processes to meet the standard.

For more information contact Liz Jones at: [jonesl@fish.govt.nz](mailto:jonesl@fish.govt.nz)

## Sustainability review

**The process to review sustainability measures (catch limits) and other management controls for the 2001-02 fishing year has just begun, with the Ministry of Fisheries releasing its Initial Position Paper (IPP).**

The IPP outlines MFish's initial views and recommendations for a number of fisheries and management issues that are being reviewed. Sections in the IPP include:

- fishstocks for review
- review of Adaptive Management Programme fishstocks
- proposals for regulatory amendment
- proposals for amendments to conversion factors and deemed values.

The IPP was sent to interested stakeholders on 18 June. The Minister will advise stakeholders of his preliminary views on the proposals included in the IPP in a letter to be sent on or about 25 June 2001. The Minister's letter and the IPP will form the basis for meetings between stakeholders and MFish. Stakeholders will then have until 16 July to provide the Minister with written submissions on proposals (the deadline for submissions to be confirmed in the Minister's letter).

Should you have any questions on the consultative process or the IPP, please contact either Stuart Brodie (04 470 2606), or Karolyn Johnson (email: [johnsonk@fish.govt.nz](mailto:johnsonk@fish.govt.nz)).

# High success for high seas

**After just two months of operation, the high seas permitting regime has proved highly successful.**

From 1 May 2001, all operators of New Zealand registered vessels needed a high seas fishing permit to take or transport fish on the high seas, and all New Zealand nationals using foreign vessels needed an authorisation, equivalent to a high seas fishing permit, from the government to which that vessel is "flagged". The operators, MFish and FishServe, have issued permits for

18 vessels in two months. Of these, some have been fishing close to New Zealand – such as the Louisville Ridge to the east of New Zealand. Other vessels were operating much farther away – in the southern Indian Ocean, for example. Permits have mainly been obtained for trawlers and longliners.

MFish International Policy and National Compliance Unit staff have

processed permit applications. Stakeholders have worked constructively with MFish to address any concerns with the new regime. Some of these concerns have been accommodated, but on others MFish has held firm, in light of New Zealand's international obligations.

The high seas permitting regime is empowered by Part 6A of the Fisheries Act 1996. Part 6A reflects New Zealand's international obligations in the conservation and management of high seas fisheries. Other countries, such as Canada, the United States of America, Japan and South Africa, have legislation that controls the activities of their vessels and nationals on the high seas.

# On target for ACE

**The new catch balancing regime, in which catch is balanced with Annual Catch Entitlement (ACE), comes into force on 1 October, will simplify life for fishers on the water. But when they hit their paperwork, the ACE balancing regime means it's even more important than ever that fishers submit Monthly Harvest Returns within the 15 day time period.**

Unlike the old balancing regime, where taking fish without quota was a criminal offence, the ACE balancing regime relies on civil penalties – deemed value payments – to encourage fishers to balance their catch within ACE.

The monthly balancing calculations, which determine whether or not a fisher's catch is "in balance" with ACE, require the reporting of catch on Monthly Harvest Returns. Catch in excess of ACE will generate a deemed value demand. Late supply of Monthly Harvest Returns means that the fisher's catch position at the time of the monthly balance calculation is unknown, undermining the effectiveness of the ACE balancing regime.

For that reason, in the immediate period after the 1 October introduction, MFish Compliance efforts

will focus on enforcing a "zero tolerance" approach to overdue returns, particularly in situations where catch is not covered by ACE.

Work is also well underway to introduce an infringement notice system, which will allow minor offences to be dealt with effectively without the time delays and costs associated with Court proceedings.

Offences that will be covered by infringement notices include:

- Non commercial offences relating to harvest or possession of up to three times the amateur daily limit
- Customary offences relating to harvest or possession
- Administrative commercial offences not directly relating to the taking or possession of fish

- Reporting and record-keeping offences for administrative or non-fraudulent offending.

Infringement fee penalties will be set for the different type of infringement offences. These penalties can be up to a maximum of \$3000. The Ministry will still be able to lay charges with the Courts for infringement offences where an infringement notice is not appropriate.

In preparation for the introduction of these changes, which all relate to the remaining parts of the Fisheries Act 1996, Fishery Officers are receiving training on ACE, changes to their powers, offences (including the introduction of infringement notice offences), penalties, and to the forfeiture process.

For more information please call **0800 4 FISH 96 (0800 434 7496)** or email [fish96@fms2001.co.nz](mailto:fish96@fms2001.co.nz)



## Landmark project on track

**One of the largest projects ever undertaken by the Ministry of Fisheries is proceeding on track for completion by 1 October 2001. This landmark project will put into place the balance of the Fisheries Act 1996.**

The new Fisheries Act 1996 is expected to:

- Facilitate the further input and participation of stakeholders in fisheries management decisions
- Provide flexibility in administrative rules supporting the QMS
- Simplify the obligations imposed on the commercial fishing industry when fishing
- Provide for more equitable penalties for offences than exists under the 1983 Act.

Currently, only a small number of provisions of the Fisheries Act 1996 are in force. These include the

purposes and principles, quota allocation, cost recovery, dispute resolution, High Seas permitting, and provisions relating to customary fishing.

The balance of the Act revises the manner in which the Quota Management System operates, and revises offences and penalty provisions. On 1 October 2001, with the full commencement of the new Fisheries Act 1996, the majority of the Fisheries Act 1983 will be repealed.

In order to develop appropriate computer systems, commercial industry training and registry

processes, MFish and SeaFIC have acted together in a joint programme. This has involved MFish specifying its requirements and establishing the regulatory framework supporting the Act, while SeaFIC has taken on responsibility for developing the new computer systems.

A number of registry services will be devolved to the fishing industry on 1 October 2001, with the remaining registry services to be delivered by FishServe under a contract with MFish.

In addition, a significant number of MFish staff have been involved in process development, revising regulations and ensuring that MFish staff are fully trained on the new rules in the Fisheries Act 1996.

The overall programme is an example of the Ministry and stakeholders working together towards a joint goal. Whilst there is still a significant amount of work to be completed the Ministry is confident that completion on 1 October 2001 will be achieved.

# Strategy Update

## Environmental management strategy

The MFish Environmental Management Strategy (EMS) is intended to provide the vision and co-ordination necessary to improve management of the environmental impacts of fishing and ensure MFish meets its obligations under the Fisheries Act 1996 and other legislation.

Background work to support the development of the EMS is under way. Discussions with tangata whenua and stakeholders are planned for July and August.

## Recreational fishing

Following extensive consultation and submissions on the *Soundings* discussion document, the Minister of Fisheries plans to establish a Ministerial Consultative Group drawn from the recreational sector. The Government wishes to ensure that any reforms contribute to overall fisheries management, and the objectives of the recreational sector.

Following engagement with the consultative group, the Minister will make key decisions within the next two months on high level policy options for recreational fishing.

## Aquaculture reform

Work on aquaculture reform is moving along at pace. The consultation phase of the project has been completed and the hard work is now going in to provide Ministers with advice on changes required to improve the future management of aquaculture.

Subject to Cabinet approval, it is intended that a bill to implement the proposed changes will be drawn up over the next couple of months and introduced to Parliament before the end of this year.

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MINISTRY OF FISHERIES

Te Tauiaki i nga tini a Tangaroa