

CONTAINER TYPE REPORTING FOR SCHEDULE SIX RETURNS TO SEA - FINAL ADVICE

Executive Summary

- 1 You are being asked to make a decision to amend the Fisheries (Reporting) Regulations 2001 (reporting regulations) to either remove the requirement to complete “container type” information for all returns to sea under the Sixth Schedule (Sixth Schedule) of the Fisheries Act 1996 (the Act), to introduce a new container type for returns to sea under the Sixth Schedule of the Act.
- 2 On 1 October 2006, the reporting regulations were amended to require commercial fishers to report returns to sea under the Sixth Schedule of the Act (Sixth Schedule returns) against a new destination type code, X (destination X).
- 3 Following the introduction of the new reporting code, a technical problem with implementation was identified. Under the new reporting requirements fishers are required to complete “container type” information (number, type and content weight) on the landing sections of reporting forms – i.e. Catch Effort Landing Returns (CELRs) and Catch Landing Returns (CLRs). However, Sixth Schedule returns are frequently returned to the sea without being placed in a container and fishers are confused about what to report in the “container type” section of the reporting form.
- 4 An Initial Position Paper (IPP), released 29 June 2007, proposed two options to amend the reporting regulations. These options remain unchanged for your consideration.

Option One – proposes to remove the requirement to complete “container type” information for Sixth Schedule returns.

Option Two – proposes to introduce a new container type code for Sixth Schedule returns.
- 5 MFish’s preferred option to address this technical problem is to amend the reporting regulations to remove the requirement to complete “container type” information for Sixth Schedule returns (Option One). This option simplifies reporting of returns to sea and allows fishers to be completely accurate when completing their return – i.e. when no container is used, no container information is reported.
- 6 All of the submissions received on the Initial Position Paper support the proposal to remove the requirement to complete “container type” information for Sixth Schedule returns.

The Issue

- 7 Destination X was introduced on 1 October 2006 to clarify reporting requirements for fish returned to the sea in accordance with the requirements of the Sixth Schedule. Following the introduction of destination X, commercial fishing industry participants and MFish personnel identified a technical problem with its implementation. When reporting Sixth Schedule returns, fishers are required to complete “container type”

information on the landing sections of CELRs and CLRs. Many species of fish returned to the sea in accordance with the Sixth Schedule of the Act are returned immediately to the waters from which they were taken and are never placed in a container. Consequently fishers are unable to report “container type” information accurately.

- 8 MFish considers it undesirable to require fishers to place fish into a container before returning them to sea as such a requirement could impact on the survivability of the returned fish.
- 9 MFish believes management action to address the technical operational issue is appropriate to maintain credible and workable reporting requirements.

Summary of Options

Initial Proposal

- 10 The IPP proposed the following options:
 - a) *Option one*: Amend the Fisheries (Reporting) Regulations 2001 by removing the requirement to complete “container type” information for Sixth Schedule returns reported against destination X. An estimate of the total greenweight of returned fish would still be required (MFish preferred option).
 - b) *Option two*: Introduce a new container type code into the Fisheries (Reporting) Regulations 2001 for Sixth Schedule returns reported to destination X without being placed in a container.

Final Proposal

MFish recommends that you agree to recommend that the Fisheries (Reporting) Regulations 2001 be amended in order to remove the requirement to report “container type” information for Sixth Schedule returns reported against destination X (Option One).

Consultation

- 11 MFish has consulted with all persons and organisations considered by the Minister to be representative of those classes of persons having an interest in options to clarify destination X reporting requirements: including (but not limited to) commercial fishing interests, including Maori commercial fishing interests, and research providers.

Submissions Received

- 12 Submissions regarding this proposal were received from:
 - New Zealand Recreational Fishing Council (NZRFC)
 - Sanford Limited (Sanford)
 - Te Ohu Kaimoana Trustee Limited (Te Ohu)

- The New Zealand Seafood Industry Council Limited (SeaFIC).

MFish Discussion

- 13 NZRFC, Sanford, Te Ohu and SeaFIC support Option One – amend the reporting regulations to remove the requirement to complete “container type” information for Sixth Schedule returns reported against destination X.
- 14 NZRFC also noted that independent research should be carried out on a regular basis to quantify the information supplied by the commercial sector. Stock assessment processes review data reported by the commercial sector and report on the quality of the data supplied. MFish also proposes to monitor and evaluate submitted reporting forms to ensure destination X reporting requirements are being met.

Rationale for Management Options

- 15 Credible fisheries management is a key objective for MFish and it requires that all New Zealanders are able to understand the reasons for the existence of the fisheries management framework, processes and requirements (even if they do not agree with them personally).
- 16 When reporting Sixth Schedule returns, commercial fishers are required to complete “container type” information on the landing sections of CELRs or CLRs. Many species of fish, returned to sea in accordance with the Sixth Schedule, are returned immediately and are never placed in a container. Requiring fishers to report “container type” information when no container is used forces fishers to find a “best fit” answer (which may differ from fisher to fisher) or to complete their forms inaccurately.
- 17 MFish considers requiring fishers to report destination X “container type” information inaccurately on their catch return forms is not credible fisheries management. MFish also considers the alternative - requiring fishers to place fish into a container before returning them to sea so that they can meet their “container type” reporting requirements - is not credible fisheries management. Such a requirement could impact on the survivability of the returned fish.
- 18 MFish proposes two management options (Option One and Option Two) to address this problem.
- 19 Option One removes the requirement to complete “container type” information for fish reported to destination X without being placed in a container. Currently the reporting regulations do not list a suitable “container type” for fish returned immediately to the sea. The primary information being sought from fishers is total quantity of returns and removing the requirement to provide container details obtains this information while simplifying destination X reporting for fishers.
- 20 Option Two introduces a new container type code for fish reported to destination X. This option recognises all other landings reported require completion of container details and maintains consistency in reporting requirements. A new container type code (e.g. NCU – no container used) would allow fishers to meet their container reporting requirements without providing inaccurate information.

- 21 MFish has not proposed maintaining the status quo for reporting of destination X “container type” information, because, as discussed above, the status quo would not allow credible fisheries management to be achieved.

Assessment of Management Options

Option One – Remove the requirement to report “container type” details

- 22 Option One removes the requirement to complete “container type” information for fish reported to destination X without being placed in a container. Removing the requirement to report “container type” details simplifies reporting of Sixth Schedule returns and allows fishers to be completely accurate when completing their return (i.e. when no container is used, no container information is reported).
- 23 Option One creates an exception to the current mandatory requirement to report “container type” information on the landing sections of CELRs or CLRs. MFish considers the risk created to accurate reporting in other sections of the form by providing this exception is low. This is because the exception is specific to one reporting code (destination X) and is easy to intuit (i.e. when no container is used for Sixth Schedule returns to sea, no container type information is reported).
- 24 Monitoring and enforcement of changes to destination X reporting requirements is to be carried out within existing compliance activities. Monitoring and evaluation of submitted reporting forms would be carried out to ensure new container type reporting requirements were working as expected.
- 25 Option One is preferred by MFish. All of the submissions received on the IPP support Option One.

Option two – Introduce a new “container type” code for destination X returns

- 26 Option two proposes introducing a new container type code (e.g. NCU – no container used) that could be used to complete both the container “type” and “number” fields for fish reported to destination X on the landing sections of CELRs or CLRs. The new container type code would allow fishers to complete their returns accurately (as for Option One) and would maintain the mandatory requirement to complete “container type” information.
- 27 If you consider that allowing fishers to leave sections of the form blank would create risks or uncertainties for other aspects of reporting, then Option Two is the appropriate option. As noted above, MFish considers the risks associated with allowing fishers to leave specified sections of the form blank in certain situations to be low. MFish also considers leaving the container type fields blank simpler and more easily intuited than introducing a new reporting code for the fields. Consequently MFish prefers Option One. No submissions received on the IPP identified any risks associated with leaving sections of the form blank, nor supported the proposal to introduce a new container type code.
- 28 As for Option One, monitoring and enforcement of changes to destination X reporting requirements would be carried out within existing compliance activities. Monitoring

and evaluation of submitted reporting forms would be carried out to ensure new container type reporting requirements were working as expected.

Statutory Considerations

29 **Sections 5(a) and 5(b):** There is a wide range of international obligations relating to fishing. MFish considers issues arising under international obligations and the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 are adequately addressed in the management options discussed.

Section 8: The purpose of the Fisheries Act 1996 is to provide for the utilisation of fisheries resources while ensuring sustainability. Utilisation is defined in the Act as including using and developing fisheries resources. The options proposed change the reporting regulations in order to provide for a more efficient reporting regime and so allow for better utilisation, thereby furthering the purpose of the Act.

Section 10: The information principles of the Act require that decisions be based on the best available information. Accurate reporting is important in obtaining the best available information for management decisions. Information principles have been considered in the development of this proposal and best available information has been incorporated, including information from fisheries stakeholders and commercial catch returns.

Section 297: The Ministry of Fisheries propose that the recommended regulations be made pursuant to section 297(1)(h) of the Act which allows regulations to be made for the purpose of prescribing returns and information that any person may be required to provide under the Act.

