



Office of Hon Jim Anderton

Minister of Agriculture, Minister for Biosecurity, Minister of Fisheries
Minister of Forestry, Associate Minister of Health, Associate Minister for Tertiary Education
Minister responsible for Public Trust

9 December 2005

Dear Stakeholder

PROPOSED CHANGES TO THE AMATEUR FISHING REGULATIONS

This letter outlines my final decisions on the proposal to amend aspects of the amateur fishing regulations, and the reasons for my decisions. Where my decisions require changes to the regulations, I will recommend to Cabinet that these changes be made.

Subject to Cabinet approval, I expect these changes to become law on 16 December 2005. The Ministry of Fisheries will make a press release to advise fishers of the exact date once this is known. Until any regulations are changed and come into effect, the current regulations will still apply and must be adhered to.

The proposed changes were among a series of issues recently identified by the New Zealand Recreational Fishing Council as priorities for review. Workshops were held with the Council, to define the problems associated with each issue, and to discuss reasonable options for resolution. The Ministry of Fisheries then consulted with stakeholders nationally on the proposed options for each issue. This generated a great deal of interest, and over 100 submissions were received.

Following consideration of submissions and final advice from the Ministry of Fisheries, my decisions on these matters are as follows.

Primary taker

I have agreed to recommend to Cabinet that divers (free divers or those using underwater breathing apparatus), when diving from a vessel, should be allowed to take extra bag limits of scallops and dredge oysters for each of two safety people on board that vessel. I am prepared to recommend a change to the basic framework of the recreational regulations in this particular case, in recognition of the safety role that boat-people play in dive operations. A change should not, however, be regarded as a precedent for other species or for other situations due to biological features of scallops and dredge oysters. I also want to keep the change simple and have one rule, irrespective of the size of vessel in use. Changes to regulations will therefore be recommended to allow a limit to be taken for up to two safety people on board a vessel as long as they are present on board and acting in that capacity.

Counting and measuring scallops

Scallops and dredge oysters taken by divers must be counted and measured at the first reasonable opportunity. The Courts have considered that the first reasonable opportunity should generally be on the sea floor when the scallops and dredge oysters are placed in the dive bag. There is a great deal of confusion surrounding this requirement. I have directed the Ministry of Fisheries to develop a code of practice to clarify the law and to guide the actions of the public and Fishery Officers.

Rock Lobster catching methods

Many recreational fishers are unintentionally breaching current regulations because methods commonly used to catch rock lobster (crayfish) are illegal. These methods have not been specifically prohibited. They are unlawful because of the extended definition of "rock lobster pot" and the specific requirements for some methods. I have agreed to recommend to Cabinet that the use of bobs in taking rock lobster be allowed, and that the mesh size limits for ring pots be removed. I will also recommend that scoop nets, or landing nets, be allowed to be used to secure fish lawfully taken by any method.

The restriction on the use of hand-held lassoes in taking crayfish will be retained as there is insufficient information regarding their impacts.

Coromandel scallop bag limit

The existing recreational daily bag limit of 20 scallops for the Coromandel scallop fishery will be retained. I am pleased to note the Coromandel scallop fishery is rebuilding from a period of historical decline and commend the recreational sector for its contribution to the management of this important shared fishery. However, there is not currently enough information available to support a bag limit increase. I have requested that the Ministry of Fisheries obtain further information on the nature and extent of the recreational fishery, (including through survey) and the potential impacts of an increase in the bag limit, particularly if the fishery were to enter a period of decline.

I also believe that it is important to retain regionally consistent bag limits where possible, to avoid confusion and misunderstanding of the rules. People regularly fish in both the Coromandel and Northland fishery areas and a common bag limit in this circumstance has considerable advantage.

The Ministry of Fisheries is currently working with stakeholders in the Coromandel scallop area to develop a fisheries plan for the fishery. It would be appropriate to further discuss how changes to the bag limit can be achieved, as a part of this process, once the additional information I requested is available. Until this time, recreational fishers are still able to benefit from improvements in the fishery through more frequent fishing as well as improved success in catching the bag limit.

Mussels and paua

The use or possession of underwater breathing apparatus when taking mussels and paua is currently prohibited. I have agreed to recommend to Cabinet that mussels be allowed to be both taken and possessed by divers using underwater breathing apparatus (e.g. SCUBA gear). A method control is no longer necessary in this fishery as there are no significant sustainability risks or poaching concerns in most areas. Alternative measures are available should such issues arise locally.

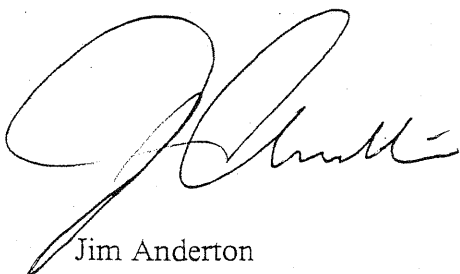
Restrictions around the use or possession of underwater breathing apparatus when taking paua will be retained. Considerable sustainability and poaching concerns still exist for paua and I believe the prohibition remains an important management tool in this fishery.

Shucking at sea

Where minimum legal size limits apply to shellfish, it is illegal to possess them in an unmeasurable state (i.e. shucked) below the mean high water mark. I have agreed to recommend to Cabinet that scallops and dredge oysters be allowed to be shucked and eaten while on-board a vessel. I recognise times have changed, and that eating shellfish while on your boat is now considered to be an essential part of the recreational experience. However, the need to obey daily bag limits and size limits will remain, as will the requirement to land these shellfish in their shell.

Finally, I thank you for your interest in the management of the recreational fishery. I am pleased that there has been a resolution to some of the key issues that have been a source of frustration within the recreational sector over the last decade or so.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jim Anderton', written in a cursive style.

Jim Anderton
Minister of Fisheries