

Proposal to Amend Aspects of the Amateur Fishing Regulations

SUBMISSION ON BEHALF OF NON-COMMERCIAL FISHERS

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1. Introduction

The Ministry of Fisheries (MFish) has advised of the proposals made to the Minister of Fisheries to amend aspects of the Amateur Fishing Regulations. The Initial Position Paper (IPP) for the following regulations was issued on 8 July 2005.

The specific regulations are:

- Primary taker
- Counting and measuring scallops and dredge oysters at the first reasonable opportunity
- Rock lobster catch methods
- Coromandel scallop amateur daily bag limit
- Possession of mussels and paua with UBA
- Shucking of scallops and dredge oysters at sea

MFish advised the IPP was developed for the purpose of consultation as required under the Fisheries Act 1996. MFish emphasised the views and recommendations outlined in the IPP were preliminary and provided as a basis for consultation with stakeholders.

Submissions to be sent to Sarah Omundsen, Ministry of Fisheries, PO Box 19-747, Auckland. Or email: sarah.omundsen@fish.govt.nz

This document comprises the submission from option4. option4 is an NGO which promotes the interests of non-commercial marine fishers in New Zealand.

2. Background

The need for a review of the Amateur Fishing Regulations was identified during the Reference Group process in 2003.

http://option4.co.nz/Your_Rights/referencegroup.htm

option4 has been clear throughout the debate regarding the review of fishing regulations that it is fundamental to determine the purpose of each regulation and then measure whether the current interpretation of that regulation meets the purpose.

3. Current Review

It is obvious that some of the original regulations failed to recognise a variety of possible interpretations by the courts and recreational methods of harvesting, some of which had been legitimately used for decades.

As the courts have defined the interpretation of these regulations oversights in the way some regulations have been drafted have become evident.

The current interpretation of some regulations has undermined the public confidence in the Ministry of Fisheries and their ability to manage recreational harvest. We are pleased to endorse this attempt to address long-standing issues relating to several of the regulations.

4. Primary Taker

option4 agree with the second recommendation in the IPP to amend regulation 19 of the Fisheries Amateur Fishing Regulations 1986 to allow a diver (or divers), when diving from a fishing vessel, to collect a daily bag limit of scallops or dredge oysters on behalf of **two** other people. The provision will allow no more than **two** extra bag limits per vessel, per day, providing that two safety people are on board the fishing vessel at that time and acting in the capacity of safety people.

5. Counting and Measuring scallops and dredge oysters at the first reasonable opportunity

option4 have some concerns regarding the suggested code of practice which will not legally determine the issue of “take” nor can it interfere with any of the previous judgements on the issue of “take”.

We believe the first reasonable opportunity to measure and count the catch under all circumstances is immediately that the catch is placed in the vessel/boat. We hold this view because it covers:

- a) Fishers who have been diving in murky water.
- b) Divers who have been fishing in deep water and whose ability to count and measure may have been impaired.

We note that the minimum size limit for scallops for non-commercial fishers is 100mm and that the minimum scallop size for commercial fishers is 90mm. At the 100mm size limit non-commercial fishers who are diving present zero risk to the sustainability of the resource, this is because all of the legal sized scallops would have spawned and diving has a near zero juvenile undersized mortality rate. Unlike commercial fishers who have a 35% mortality rate when the heavy Victorian dredges are used.

We believe the Ministry would be better off to capitulate in this instance and allow non-commercial fishers a specific time from the point when the last diver got out of the water or from when the catch bag was put on board to measure and count the scallops. This presents no mortality risk to scallops as they often live in areas where they are exposed at low tide.

6. Rock Lobster Catch Methods

It is our opinion that the regulations for catching rock lobsters were never designed to prevent recreational fishers from taking their legitimate bag limit. The regulations were to protect the fishery from poaching and unnecessarily high fishing related mortality i.e. restrict the taking of crayfish using a spear gun.

We agree with MFish that, *“A full review of the rock lobster regulations will be required subsequent to any amendments resulting from this proposal. As mentioned, the current regulations for rock lobster were not intended to control a range of*

methods. Methods are actually being controlled unintentionally and this is not an effective, or satisfactory, way of managing a fishery.”

option4 **agree** with the following preliminary recommendations in the IPP:

- a) Amend the Fishing (Amateur Fishing) Regulations 1986 (the Regulations) to permit the use of bobs for catching rock lobster.

AND

- b) Amend the Regulations to permit the use of scoop nets to secure fish lawfully taken by any method.

AND

- c) Amend the definition of ring pots in the Regulations so they are not required to have a minimum mesh size.

AND

- d) Amend the Regulations to permit the use of hand-held lassoes for catching rock lobster.

7. Coromandel Scallop Amateur Daily Bag Limit

We are pleased to acknowledge the Ministry of Fisheries willingness to consider bag limit increases for this fishery.

We endorse the effort to apply more sensible fisheries management to a fishery that has obviously improved over time.

option4 note the proposal does not include a proportional increase comparative to the increase in commercial take. This demonstrates a clear intention by MFish to back away from proportional increases when it is in the interests of recreational fishers. It is noted that the Ministry seem more willing to promote proportional increases when it would be to the advantage of commercial interests.

option4 **agree** with the following recommendation in the IPP:

- a) Amend the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986 to set a daily scallop bag limit of 30 in the Coromandel scallop fishery area.

8. Possession of Mussels and Paua with UBA

We endorse the effort to apply more sensible fisheries management to reflect the realistic activities of recreational fishers.

option4 **agree** with the following recommendations included in the IPP:

- a) Remove reference to mussels from regulation 21 of the Fishing (Amateur Fishing) Regulations 1986 and allow this species to be taken using UBA.

AND

- b) Retain the prohibition on taking paua using UBA

AND

- c) Remove the prohibition on possessing UBA and paua together

9. Shucking of Scallops and Dredge Oysters at Sea

option4 agree with the preliminary recommendation in the IPP:

- a) Amend regulation 20 of the Regulations to allow the possession of shucked scallops and dredge oysters on board a recreational fishing vessel while at sea.

10. Conclusion

The recommendations included in the IPP can potentially go some way to clarifying the purpose of the Amateur Fishing Regulations.

We support the review and consider the list of regulations being reviewed is not extensive enough.

We support the review of the regulations in this IPP. However, we are concerned that this review does not address the purpose for each Amateur Regulation and weigh whether or not the current interpretations achieve those purposes in the most efficient way from both a compliance and a non-commercial fishers perspective. Perhaps this is a matter for the Ministerial Advisory Panel to consult on.



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