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7th July 2006

option4 submission on Statement of Intent for the period July 2006 to June 2011

Attention John Glaister
CEO MFish

Dear Mr. Glaister,

We have selected a number of statements made in the document that require clarification, supporting arguments and explanation.

Many of those reading this submission may not understand some of the terminology – we attach a Glossary for their benefit – manaakitanga. Glossary items are marked up in blue

Context in which the Ministry operates.

1. New Zealand Fisheries at a Glance – page 2

Commercial Fisheries and Aquaculture

Would you please provide a breakdown by fishery of the annual commercial take of 525,000 tonnes. Also, can you analyse this breakdown between “shared fisheries” and “fisheries that are not shared”. (*Request for clarification/further explanation # 1*)

Recreational Fisheries

Estimated participation (as a % of the total NZ population)	20%
Estimated annual take	25,000 tonnes.

This statement is referenced to the 1999/00 Survey of Recreational Fishing

Please provide a reconciliation of this statement with the 1999/00 Survey results by species and area (*Request for clarification/further explanation # 2*)

2. Extent of exercising of right to fish

On page 5 of the SoI the following statement/assertion is made.

Around 20% of New Zealanders exercise their right to fishing in the sea for personal use.

This statement is not truthful as stated.

If the statement is designed to describe how many people exercise their right in any one year or survey period then it should say so. However it does not. It is a very open ended statement. In fact the AC Nielsen National Readership & Finance Surveys (2000) obtained figures of 38.7% of households had one or more eligible fishers and 31% of the population was eligible. This was the survey selected as the best by MFish and the research provider during the 1999-2000 recreational harvest survey. To qualify as eligible in this face to face survey you had to be 15 years or older and had fished in the last 12 months. Clearly more people fish and are eligible in this survey.

There is another consideration. Not everyone in the family has to go fishing. If one person fishes in a family of 5 (20%) the other 80% are directly benefiting from this activity.

We are an island nation, not a continent. Island nations fish for food.

Those responsible for policy determinations that are influenced by this type of document might be excused for thinking that only 20% of New Zealanders exercise their right to fish in the sea for personal use. Little or no reference is made to the benefits accruing to those who are lucky enough to have a fisherman in the whanau.

The true figure for New Zealanders exercising their right to fish in the sea for personal use is substantially higher. At some point in time most people will exercise their right one way or another.

Question. Has a survey been conducted to measure what percentage of *New Zealanders exercise their right to fishing in the sea for personal use* over their lifetimes? (*Request for clarification/further explanation # 3*)

Submission. We submit that the Ministry of Fisheries has seriously understated the real proportion of New Zealanders who exercise their right to fishing in the sea for personal use. The actual figure could be 200% or 300% higher. This magnitude of error is totally unacceptable. We submit that this understatement undermines the credibility of both the SoI and the Ministry of Fisheries. This begs the question - Why is the Ministry of Fisheries so reluctant to deal with the true extent of non-commercial fishing participation and benefit in New Zealand? As long as policy makers are working with such seriously flawed baseline information we, the public, have little chance of a "fair go".

Strategy for New Zealand's fisheries

3. Strategy Statement – People are able to realise the best value from the sustainable and efficient use of fisheries

Paragraph 2 states

In the recreational sector, the amount of fish actually taken by the sector depends on the number of people fishing and how often they fish.

This statement is not true.

In the recreational sector the amount of fish actually taken by the sector depends on the

1. **biomass of fish in the sea**,
2. the number of people fishing,
3. how often they fish and
4. the method restrictions, bag limits, size limits and seasonal closures.

This is obvious. Why do we have to point out such blindingly obvious omissions?

This statement is a fundamental that underlines policy development work occurring right now. If the Shared Fisheries project were to come out with policy/reform recommendations based on statements like these they would be immediately challenged.

A word search of the SoI reveals a complete absence of reference to **Bmsy** and the statutory obligation that MFish have to manage fisheries at or above this level. What we are dealing with here is evidence of MFish avoiding stating the obvious.

The Ministry simply doesn't want to deal with the fact that a number of key inshore "shared" fisheries are not being managed at a level that satisfies the statutory obligations – at or above Bmsy – 20 years after the introduction of the QMS.

4. The **SoI goes on to discuss the customary sector as follows – page 16**

*In the customary sector, the level of access is managed by **kaitiaki** and depends on the number and type of authorisations granted to take fish for customary purposes.*

Again, we challenge the credibility of this statement/assertion. MFish suggest the level of access is managed by kaitiaki. We would suggest the level of access is managed by the availability of fish to harvest plus the needs of customary fishers from one year to the next. If there are abundant fisheries the level of access will be higher than if the fishstocks are suppressed.

To suggest kaitiaki will manage the level of access tangata whenua have to fish for customary purposes suggests that they have some discretion over the number of permits they issue. As tangata whenua become more familiar with their customary fishing "access" rights they will avail themselves more of their right and request permits as required. Our understanding is that tangata whenua customary fishing is constrained only by sustainability and **tikanga** – i.e. tangata whenua have a clear 1st priority to the available fisheries for customary purposes. Nowhere do we understand kaitiaki to be responsible for managing the level of access of tangata whenua.

5. "Specifying limits within which each fishing sector can maximise value" page 16

Whether access is allocated by a market, or through government decision, it is important that fishers operate within the limits of their allocation. Allowing people to exceed the limits encourages others to do the same and reduces incentives to co-operate

and invest in increasing the value obtained from a fishery. As with environmental standards, for an allocation standard to be effective there must be appropriate incentives and penalties to motivate fishers to keep within the limits.

The government's ability to manage the level of access allocated to the recreational and customary sectors is limited by the lack of accurate, timely information on the amount of fish taken.

Are you suggesting that the Government has already *“allocated a level of access to customary and recreational non commercial sectors”*?

Please provide us with a schedule by fishery of *“the level of access allocated to the recreational and customary sectors”*.

Please include in that schedule what date the “level of access” was allocated to these sectors. *(Request for clarification/further explanation #4)*

This is not how recreational and customary non-commercial sectors regard how things are. The SoI is in conflict with the public and tangata whenua at this juncture.

6. Fisheries Plans

Page 21 Detailed Work Elements

Twice the SoI brackets the following statements

- Participating in the development of Ministry-led fisheries plans
- Maintaining existing commitments to the development of stakeholder led fisheries plans

What does this actually mean? Are we to infer that MFish are only interested in “existing commitments” to the development of stakeholder led fisheries plans? *(Request for clarification/further explanation # 5)*

Does this mean that there will not be MFish participation in as yet undeveloped stakeholder led fisheries plans? *(Request for clarification/further explanation # 6)*

Please provide a schedule of these “existing commitments” *(Request for clarification/further explanation # 7)*

7. Achieving the best value within each fishing sector

We agree that to obtain the overall best value from the use of fisheries the Ministry must recognise the full range of values and understand how they are generated. But this will take resources. There is still no one in MFish policy, science or management that is working full time on the recreational fishers management or understanding the values of this sector. A theme running through many of the statements made about amateur fishing in the SoI is that it is not well quantified or understood yet there is not a single person with a full time commitment to communicating with the sector and developing recreational fisheries policy.

We submit that MFish should constitute a recreational fisheries policy and management team, with adequate resources, to better understand the range of non-commercial values to better inform fisheries management decisions and provide advice to the Minister.

Ministry background information

8. Stakeholder groups – page 83

Recreational fisheries interests.

MFish does itself no favours with their almost complete disdain for bodies such as NZRFC, NZBGFC, option4 and the Hokianga Accord.

Whilst MFish acknowledges they “interact with a range of groups” they can not bring themselves to name them.

Tangata whenua having a non-commercial interest.

No reference under heading of “Stakeholder groups” to tangata whenua having a non-commercial interest. What about Hokianga Accord?

9. Transparency around fish stocks managed at less than Bmsy

It would be useful, in our opinion, to provide more information/transparency on fish stocks being managed at less than Bmsy. This would certainly address recommendations contained in the report presented by the Auditor General 1st June 2005. Would you please provide a schedule of fish stocks being managed below Bmsy. (*Request for clarification/further explanation # 8*)

Summary

- The SoI is written in a new language – very difficult to translate.
- No meaningful reference to the need to rebuild fisheries to at or above Bmsy.
- Nowhere near enough truth and context in framing non commercial fishing interests.
- Statutory obligations brushed aside.
- Allocation discussions are tortured and ambiguous. Out of context with the Law as it stands. In conflict with how non-commercial interests view the Law.

Requests for clarification/further explanation

This submission contains a number of requests for clarification/further explanation – these have been numbered for your benefit in order to ensure completeness when replying – (Requests for clarification/further explanation # 1- 8)

Commentary

It is unfortunate that these issues have had to be raised in this manner and at this untimely late juncture. Perhaps the reluctance of Ministry to meaningfully engage with representative non-commercial fishing interest groups is part of the problem. For many

years solutions have been proposed by these representative bodies. Had these people with so much experience been taken seriously we would probably be writing to congratulate MFish for their insight, transparency and balance.

To the uninitiated reader, this SoI could well have been written by commercial fishing interests rather than the independent body that the Ministry purports itself to be.

It is indicative that either

- a) non-commercial fishers are not stating the issues clearly enough or
- b) the non-commercial fishers concerns are being ignored

For the last six years option4 (and all of the high level expertise that it brings to the table) have consistently been available to MFish. Clearly there is little or no intent currently within MFish to meaningfully engage.

The absence of a viable process for engagement with the Ministry leaves us no alternative but to work directly with the public and tangata whenua through all other channels that are available to us.

An inevitable outcome of the MFish attitude/approach to engaging with representative non-commercial fishing interest groups will be the further undermining of public confidence in the QMS and the credibility of those who promote it as the leading fisheries management tool in the world.

Is there another way forward? Have we missed something?

We will remain available for meaningful engagement – as always.

Please note that this Submission will be widely distributed – as always.

Thank you for this opportunity to have input to the Statement of Intent

Yours faithfully

Scott Macindoe
option4 spokesperson

PS Still no sign of Ministers or key MFish affidavits to the Kahawai Legal Challenge – the deadline for receipt as determined by Court timetable was originally 28th March 2006 – revised timetable deadline was 6th June 2006.

Glossary

Bmsy – Biomass of fish in the water required to maintain maximum sustainable yield

EEZ – Exclusive Economic Zone

FMA – Fisheries Management Area

Kaitiaki – A person appointed under the customary fishing regulations who can authorize customary non-commercial food gathering

Manaakitanga - Behaviour that acknowledges the mana of others as having equal or greater importance than ones own, through the expression of aroha, hospitality, generosity and mutual respect (Prof Whatarangi Winiata)

NZBGFC – New Zealand Big Game Fishing Council

NZRFC – New Zealand Recreational Fishing Council

SoI – Statement of Intent

Tikanga - Principles, way of doing things