

Cast your line! Sounding out New Zealanders' views on the future of recreational fishing.

# SOUNDINGS



MINISTRY OF FISHERIES  
Te Tautiaki i nga tini a Tangaroa

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## Foreword by the Minister



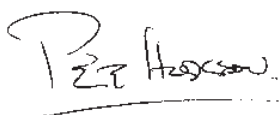
This decade is shaping up as a significant time for marine management in New Zealand. The Government is committed to improving marine management, and recreational fishing is an important part of that equation.

The freedom to go fishing is one of the special things about being a New Zealander. Fishing is a very popular activity. Our country has good quality marine recreational fishing, but we all need to work hard to keep it that way.

A joint working group of the New Zealand Recreational Fishing Council Inc and the Ministry of Fisheries has been looking at some important issues which will shape recreational fishing into the next decade. The joint working group's ideas are captured in this document. Issues that are discussed include:

- what do we want marine recreational fishing to be like in the year 2010
- do we need to make recreational fishers' stake in the fisheries resource more secure
- how do we enable recreational fishers to have real involvement in the way recreational fishing is managed
- how can recreational fishing groups work more effectively with customary and commercial fishers, environmental groups and the government.

There are a lot of issues here and no obvious or perfect answers. The joint working group wants to put all the issues forward to encourage open discussion. So now is the opportunity to have your say. I encourage you to think over the material in this document carefully, talk about it with others, and provide the government with your comments and suggestions. This is your chance to be involved in shaping recreational fishing for the future.



Hon Pete Hodgson  
Minister of Fisheries

# Setting the Scene

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The freedom to go recreational fishing almost anywhere along our coast is part of what makes being a Kiwi so special. New Zealand offers world-class fishing and a unique marine environment and there's a need to keep it that way.

New Zealand can boast having some of the best managed fishstocks in the world as a result of the setting of sustainable catch levels, and strong environmental legislation limiting pollution and habitat degradation.

The past 15 years have seen substantial changes in the way commercial and customary Māori fishing is recognised in law and managed. The quota management system for managing commercial fishing was introduced in 1986, and more recently we have seen the settlement of Māori claims for customary fishing rights. Together these changes have strengthened commercial and customary Māori fishing rights, leaving the recreational fishing sector feeling uncertain about its future.

## **Time to recast recreational fishing**

In September 1998, a working group of the Ministry of Fisheries (MFish) and the New Zealand Recreational Fishing Council (the joint working group) began looking at marine recreational fishing management in New Zealand. (This review is not about the species managed by the Department of Conservation, like trout and whitebait.)

The joint working group believes it is time to “re-cast” the way recreational fishing is managed by making the laws that govern recreational fishing clearer. The group has been considering how to protect and enhance the quality of recreational fishing and how recreational fishers can be more involved in managing recreational fishing. To do this, the joint working group has developed a philosophy and a vision for recreational fisheries in 2010:

The joint working group is guided by the philosophy:  
**That we secure, promote and protect the recreational fishing right  
within a context of sustainable use of the fisheries resource.**

The joint working group's Vision for recreational fishing in 2010

## **Healthy Coastal Fisheries**

- Fisheries, habitat and ecosystems are healthy.
- Adverse impacts of fishing are managed.

## **Access**

- Good near-shore access.
- Quality fishing, including reasonable catch rates and good size fish of key species.
- Recreational share is protected and enhanced.
- Fishers are able to fish without prohibitive cost.

## **Management**

- Recreational fishers can actively participate in management (fisheries and environmental).
- A flexible dynamic management system is in place.
- The public is involved in processes like research, management and compliance.
- Productive and co-operative working relationships between fishing sectors.
- Good research/recreational harvest information.
- Good enforcement and high levels of recreational compliance.
- Sufficient funding exists for recreational fishing management.
- There is a statutory-backed network of mandated recreational groups.
- Collective rights of future generations are protected.

## **Issues To Think Over**

- After reading this document you may like to comment on whether this vision is meaningful for you and how you would like to see recreational fishing looking 10 years from now.

The Vision has healthy coastal fisheries as a central component. There is also a desire to have co-operative working relationships with customary and commercial fishers, and involvement of the public in fisheries management.

Improving the management of recreational fishing will need to recognise:

- customary fishing rights for managing the taking of seafood for customary purposes
- the government's sustainability, environmental and Treaty obligations
- the quota management system because the government will not abolish this system for managing commercial fisheries<sup>1</sup>
- the need to consider costs and benefits (economic and environmental) of any proposals.

<sup>1</sup> The quota management system is an important fisheries sustainability tool, as well as being the way by which government can deliver on its obligations to Māori under the Deed of Settlement - see Appendix A.

## Have your say

The document considers three possible options for the future management of recreational fishing:



**Discretionary share**



**Proportional share**



**Recreational  
management**

These broad options do not necessarily reflect the views of MFish, the New Zealand Recreational Fishing Council or the government. They are a starting point only. The idea is to lay a broad range of ideas on the table and get you thinking, talking and offering your ideas on what needs to be done.

We are looking for a wide variety of views from recreational fishers, the public and anyone who may be affected by any changes. This includes the fishing industry, Māori and environmentalists.

We want to hear from as many of you as possible. In fact, your opinions and ideas are crucial to the success of “re-casting” recreational fishing.

To find out more about the issues, you can:

- read this document
- attend a meeting.

You can also make a written submission. The deadline for receipt of submissions is 30 November 2000.

# Start casting your lines!

Note: Explanations of some of the more technical terms in this document can be found in the glossary at the back.

# Fisheries Management in New Zealand

To understand why this review is occurring, we first need to look at fisheries management, including how recreational fishing fits in. Subsequent sections then identify the problems for recreational fishing, and possible options for addressing them.

MFish is responsible for the overall sustainable management of customary, commercial and recreational fishing. The Fisheries Act 1996 requires that sustainable catch levels (called “total allowable catches”) are set for each fishstock in the quota management system<sup>2</sup>. The total allowable catch is the maximum amount of a fishstock<sup>3</sup> that can be sustainably harvested by all fishers in any one year.

As well as fishstock management, there is also a requirement to manage the adverse effects of fishing on the aquatic environment. Three environmental principles set out in the Fisheries Act, must be taken account of for fisheries management purposes:

- associated or dependent species should be maintained above a level that ensures their long-term viability
- biological diversity of the aquatic environment should be maintained
- habitat of particular significance for fisheries management should be protected.

A major focus of fisheries management is to then:

- split the sustainable catch amongst the different harvest sectors
- give those fishers, and the wider public, the chance to actively participate in fisheries management decisions
- implement appropriate controls to meet the above environmental principles.

The Minister splits the Total Allowable Catch amongst the customary, recreational and commercial groups<sup>4</sup>. The amount allocated to customary fishers is based on the level of customary harvest in each fishery. The remainder goes to the recreational sector and the commercial sector. The commercial sector is allocated a Total Allowable Commercial Catch (TACC), and the recreational sector is allocated an allowance. Neither recreational nor commercial have priority over one another.

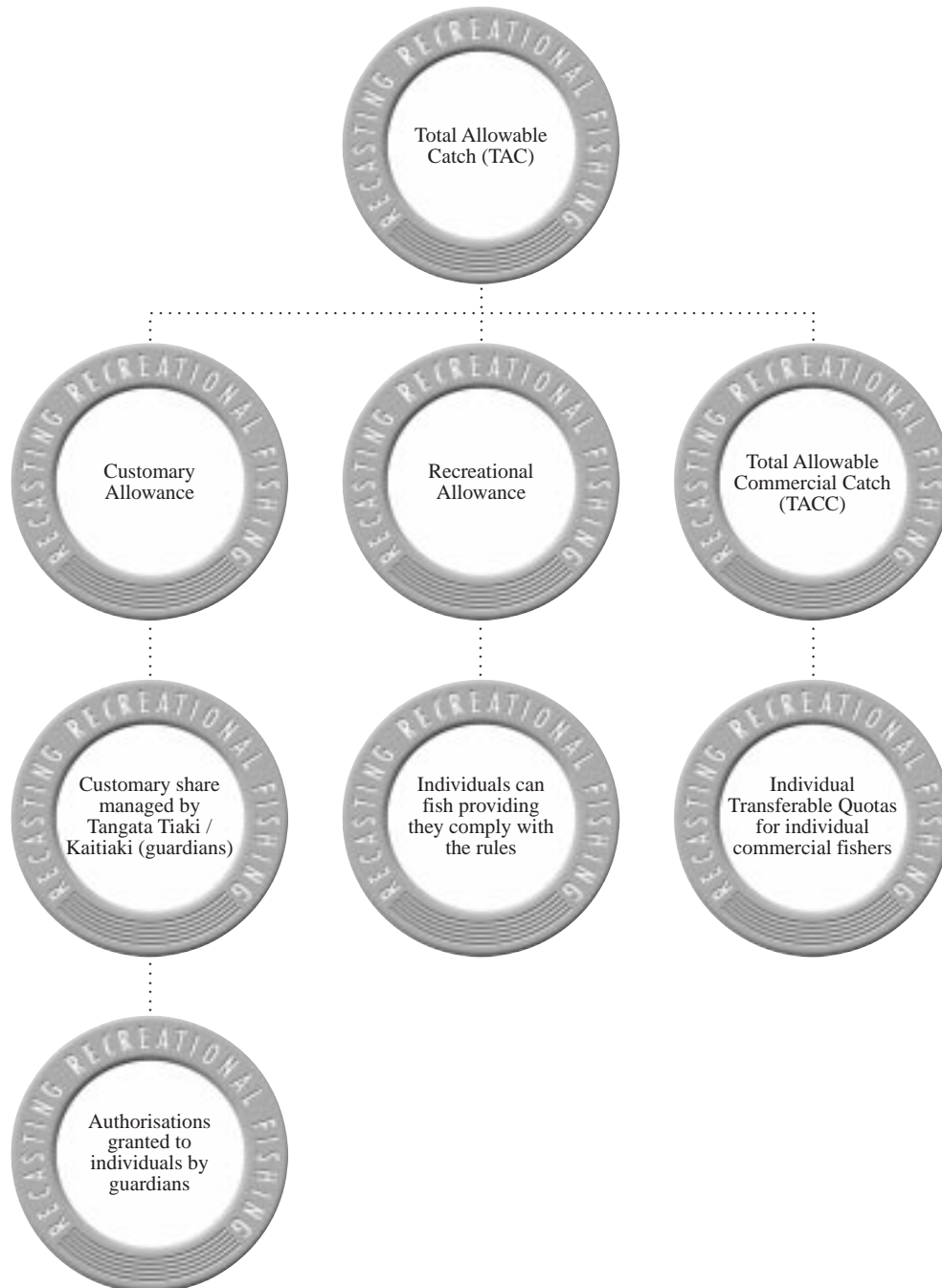
2 In fish stocks that have not been brought into the quota management system the Minister can set a total catch limit, similar to a total allowable catch.

3 Fishstock is defined in the glossary - see page 44.

4 An allowance must be made for other sources of fishing mortality, e.g. illegal discarding of unwanted catch, poaching, under-reporting.

The system works like this:

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## The bigger picture: related marine management initiatives

Management of recreational, commercial and customary fishing takes place within a wider context. There are many non-fishing uses of the marine environment (for example, marinas, marine farms, eco-tourism, and transport), all of which have to coexist in some way.

Public consultation on a related marine management initiative, marine farming, is to begin in August. A discussion document Aquaculture - Join the Discussion will be available from MFish at that time.

The government launched its **biodiversity strategy** in March. Implementation will take place over a number of years, and the strategy includes a number of marine management initiatives. Copies of the strategy are available from the Department of Conservation.

The Government is also developing an **oceans policy** to identify the goals New Zealand wants to achieve when managing the marine environment. The oceans policy will consider issues like how different rights and interests in the marine environment relate to each other. It is important that everybody with an interest has a chance to participate. Public consultation on oceans policy issues will take place over the next year or so. Further details can be obtained by contacting Carolyn Risk, Office of Pete Hodgson, Parliament Buildings, Wellington (e-mail: Carolyn.Risk@parliament.govt.nz).

## So who are recreational fishers?

All New Zealanders and overseas tourists can go fishing. About one in four of us fish in the sea or gather shell fish in any one year. Recreational fishers are a diverse group from a range of ethnic and socio-economic backgrounds.

Recreational fishers include many Māori who may be unable to fish under a customary permit, or who choose not to do so on occasions.

Recreational fishing occurs for a variety of reasons, including the challenge, getting away from it all in our marine environment, and for food.

A variety of methods are used, such as hook, line and sinker, scuba, pots and dredges. Recreational fishers may fish from the shore, from a private boat or pay to go fishing on a charter boat.

Recreational fishers don't have to report their catch, may not trade or sell the fish, and must comply with the amateur fishing regulations.

Some of the main species of fish caught include snapper, blue cod, kahawai, kingfish, rock lobster, paua and scallops.

### Customary Māori and Commercial fishing

The other groups who share in harvesting of wild fisheries resources are customary and commercial fishers.

**Customary fishers** fish under the authority of a permit issued by Tangata Tiaki/Kaitiaki (guardians) appointed by tangata whenua under the Customary Fishing Regulations. Fishing must be authorised in advance and must comply with the permit conditions. Customary fishers must report their catches<sup>5</sup>.

Customary harvest cannot be traded or sold. Appendix A on the Deed of Settlement with Māori provides some background to customary fishing rights.

**Commercial fishers** must obtain a permit to fish and comply with a range of reporting requirements and regulations. They fish under a quota that they own or lease, or other entitlement (for example, permits).

### How is recreational fishing managed?

The government manages recreational fishing under the Amateur Fishing Regulations. Several rules apply, such as:

- individual daily bag limits
- fish size restrictions
- closed areas and seasons
- fishing method and gear restrictions.

The controls are meant to ensure that the recreational harvest in a fishery is as close as possible to the amount allowed for by the Minister. This can be difficult. For example, the climate over a particular year can influence the number of people fishing, and therefore the overall recreational harvest.

The Government uses surveys to monitor recreational fishing. The more significant recreational harvest is in a particular fishery, the better the quality of the information available. However, information about recreational fishing is of relatively poor quality, compared with the information on commercial fishing. Commercial fishers must report all catch, and information on customary harvest is starting to become available because of the reporting requirements of the customary fishing regulations. Government wants to constantly improve the way it gathers and uses information about recreational harvest, and will do so no matter what other proposals are adopted.

Recreational fishers do not play a large role in fisheries management decisions. However, “umbrella” organisations like the New Zealand Recreational Fishing Council Inc, which represents a range of clubs and individual fishers, do have input. At a more local level, fishing clubs can be involved in fisheries management issues, often alongside commercial and customary groups, environmental interests and MFish.

<sup>5</sup> Tangata Tiaki/Kaitiaki are gradually being appointed by tangata whenua. In most places Tangata Tiaki/Kaitiaki are yet to be appointed and customary fishing takes place under regulation 27 of the Amateur Fishing regulations. No reporting is required under regulation 27.

## Inshore fishing

A big issue for many recreational fishers is whether they can have a reasonable expectation of catching fish somewhere relatively accessible like a local beach or harbour.

Localised depletion caused by concentrated fishing (by commercial, customary and/or recreational fishers) habitat degradation and poaching<sup>6</sup>, means catch rates are often low in accessible areas, typically those close to populated areas.

New Zealand's fishstock management areas (quota management areas) are large, as shown by the map in Appendix B. The main role of the Fisheries Act is to make sure fisheries are used sustainably in each management area. MFish does not view recreational fishers being unable to catch fish in a bay as a fishstock sustainability issue if the stock as a whole is being fished sustainably. There is a need however to manage possible adverse impacts of concentrated fishing on the seabed and associated communities.

There are many longstanding restrictions<sup>7</sup> on commercial fishing in inshore areas that have the effect of improving recreational and customary Māori catch in these areas. Some of these restrictions are outlined in Appendix C. The restrictions were put in place for a variety of reasons, including:

- sustainability of fishstocks
- sustainability of the wider environment for example, impacts of fishing on other species
- reducing conflict with non-commercial fishers
- reducing conflict between different groups of commercial fishers
- navigation/maritime safety.

Some relatively new legislative provisions offer new ways to address conflict over use of marine space by customary, commercial and recreational fishers.

- If recreational fishers believe commercial fishing is significantly adversely affecting their fishing in an area there is a now a **disputes resolution procedure** to use.
- The Fisheries Act 1996 was amended in September 1999 so **fisheries plans** could be developed to manage particular fisheries or groups of fisheries.

The Fisheries Act also provides area management rights, namely **mātaitai** and **taiapure**, for customary fishing in traditional fishing areas. These may have positive spin-offs for recreational fishers.

Appendix D discusses the fisheries plans and disputes procedure provisions above in more detail. Information on taiapure and mātaitai is contained in Appendix A.

<sup>6</sup> Some areas have low catch rates due to local features such as low nutrient flows, or habitat degradation.

<sup>7</sup> Restrictions on commercial fishing that are not for sustainability or safety reasons are now harder to get in place, given the strengthening of commercial property rights.

## What's the problem?

All New Zealanders have the right to go “recreational fishing”, but there are signs that their ability to catch fish is being eroded, and that competition for marine space by different groups is increasing in importance. The quality of recreational fishing, particularly catch rates and size of fish, is being affected by:

- increasing numbers of people going recreational fishing in popular areas, many of which are also popular commercial and customary fishing areas
- environmental pressures, such as habitat destruction from land-based pollution and environmentally damaging fishing methods
- reduced areas to fish from because of factors such as marina developments, marine reserves, marine farming, and restrictions on access to wharves and private land
- lack of clear guidance on what share of the available catch should go to recreational fishers versus commercial and poor information to support that decision
- a poor ability on the part of recreational fishers to act collectively in protecting and promoting their interests.

For recreational fishers these issues mean there is a need for:

- a clearer definition of the relationship between recreational fishing and other fishing rights
- tools to improve area based management of recreational fishing
- ways to ensure recreational fishers can protect their own interests and rights.

From a broader fisheries management perspective all harvest groups are missing out on potential benefits. Because the Minister of Fisheries has some discretion in setting the commercial and recreational shares, both sectors lobby the Minister to try to protect and enhance their share. This can cause tension and divert attention from working together to enhance yield from the fishery<sup>8</sup>.

There is also a continued need to:

- improve information on recreational harvest in fisheries where recreational harvest is significant
- keep raising awareness amongst recreational fishers about what they can do to minimise the adverse effects of their fishing on the aquatic environment.

<sup>8</sup> Option 3 provides examples of how co-operative effort could improve yield from a fishery.

## **Issues to Think Over**

This is how the joint working group sees the current problem facing recreational fishing. Do you think we have missed anything? What do you consider to be the most important elements of the problem, and what are your reasons for this view?

## **Clearer definition of recreational fishing rights**

A key part of the problem is to make clearer in law what the recreational sector's share of the available catch should be. The joint working group considers the recreational (public) right to harvest a share of the fisheries is poorly defined compared to the stronger property rights that customary and commercial fishers have.

Recreational fishers can currently seek a judicial review of the decision made by the Minister of Fisheries if they do not like the level of recreational allowance set relative to the commercial sector's share. A judicial review is only about the decision making process. The judge would look at whether the Minister exercised his or her judgement lawfully, fairly and reasonably. If the Minister failed to take into account the law and relevant matters the judge could require that the decision would be made again. However the respective shares may not have to change.

Commercial fishers have an additional, more powerful, avenue open to them. They could attempt to seek damages if their individual transferable quota was reduced because a greater allowance was made for the recreational fishing sector and this substantially affected their property rights.

The joint working group considers clearer definition of the recreational share would help protect the quality of recreational fishing, and encourage more co-operative arrangements amongst customary, recreational, commercial and the wider public.

## **Greater recreational involvement**

The joint working group sees a need for properly resourced groups representing the interests of recreational fishers to work along side customary and commercial fishers and others with an interest. The groups could work together and develop creative ideas to address issues over who fishes where in the fisheries of concern and put forward agreed proposals to the Minister, as has occurred in some of the North Island rock lobster fisheries.

MFish can never have all the local knowledge it needs to resolve issues at the local level, and the approach taken by MFish can tend towards a "one rule for everyone" approach.

While some consistency is desirable for fairness and compliance reasons, centralised decisions can:

- create barriers to participation for those who do not live in Wellington
- stifle local involvement and ideas.

So why doesn't the recreational sector play as large a role in fisheries management decisions as it potentially could?

Organisations like the New Zealand Recreational Fishing Council Inc are poorly supported and resourced. While large numbers of people go fishing, very few are affiliated with a fishing club or organisation to represent their interests. This could be for a number of reasons, like:

- fishers are not interested in joining clubs and just want to get on with fishing
- fishers rely on others to join, and they "free ride" (get benefits without paying)
- fishers do not know what the organisations do.

### Issues to Think Over

What are your thoughts on why most recreational fishers are not more supportive of, and involved with, recreational fishing groups?

# Objectives and Options for Re-casting Recreational Fishing

## Objectives

The joint working group has the following objectives for this review:

- more clearly specify the relationship between recreational, customary and commercial fishing rights
- develop tools to address issues over use of marine space affecting recreational fishing
- encourage recreational fishers to take greater responsibility for managing recreational fishing.

All the options assume improvements in the gathering and use of information on recreational harvest.

## Options

The joint working group looked at many ideas about the future management of recreational fishing. From these ideas, the group developed three broad options:



**Discretionary share**



**Proportional share**



**Recreational management**

The options are not “set in stone”. Nor are they intended to be detailed. The discussion of the options does not aim to resolve detailed issues or to conduct highly complex analysis. It simply aims to introduce the ideas and promote discussion and debate. More work is necessary over the coming months on the detailed workings of all options.

None of the options is the perfect solution and all involve difficult decisions, benefits and costs that need to be carefully considered.

As mentioned earlier, any option needs to be compatible with customary fishing rights, the quota management system, and the Crown’s sustainability and Treaty obligations. Fisheries management would also continue to take place within the wider legal framework covering other uses of the marine environment (e.g. marine farming and marine reserves).

Each of the options is a package of features (“mechanisms”) which have some linkages between them. It is however possible to “mix and match” features from the different options.

The following table sets out the objectives for the review, the mechanisms considered by the joint working group to address the objectives, and the main option under which the mechanism is discussed.

Objectives	Mechanisms	Discussed mainly under
More clearly specify the relationship between recreational rights and other fishing rights	<ul style="list-style-type: none"> <li>• proportional share</li> <li>• recreational priority over commercial</li> </ul>	<p>Option 2</p> <p>Option 2</p>
Develop tools to improve area-based management of recreational fisheries	<ul style="list-style-type: none"> <li>• Greater use of dispute resolution procedure and fisheries plans</li> <li>• Potential spin-off benefits from customary fishing tools for area management</li> <li>• Coastal zone</li> <li>• Coastal zone with exclusion of particular methods</li> </ul>	<p>Option 1</p> <p>Option 1</p> <p>Option 2</p> <p>Option 2</p>
Encourage the recreational sector to take more responsibility for managing recreational fishing	<ul style="list-style-type: none"> <li>• greater support for recreational groups to represent their interests</li> <li>• delegation of management responsibilities to formally recognised groups, either               <ul style="list-style-type: none"> <li>- incremental: optional establishment of groups</li> <li>- comprehensive: establishment of groups across the country</li> </ul> </li> </ul>	<p>Option 1</p> <p>Option 3</p>

**Issues to think about?**

- What are your views on the above objectives? Are they the right ones? Why, why not?





# Option 1: Discretionary Share

## Key Features of this option:

- The allowance for recreational fishers would be subject to the Minister's discretion each time the Minister reviews the total allowable catch
- Area management tools such as fisheries plans and the disputes procedure will become more familiar and have more influence on decision making
- Government management will continue.

This option does not involve changing the law, and is modelled on the status quo. However, the relatively new tools of fisheries plans and the dispute resolution procedure will continue to evolve, and may positively affect recreational fishing in inshore areas.

The customary Māori area management tools of mātaihai and taiapure may also increase in use, with possible benefits to recreational fishers.

The nature of mātaihai and taiapure is discussed in more detail in Appendix A. Fisheries plans and the disputes procedure are discussed in Appendix D.

More clearly specifying the recreational sector's share of the available catch is not addressed. This leaves the recreational share vulnerable to erosion, and encourages both the commercial and recreational sectors to lobby the Minister of Fisheries against each other. While recreational fishers are numerous, the rights behind them are not as strong in law and they are not well resourced.

The disputes procedure means commercial fishers are now more likely to respond to concerns raised by recreational fishers about fishing quality in particular areas. The incentives to participate constructively increase the likelihood of finding joint solutions rather than having one imposed by Government. The new fisheries plan provisions also aim to facilitate innovative solutions to area management issues.

The NZ Recreational Fishing Council is however concerned about the effort and cost to participate in fisheries management forums.

The government could look at ways of assisting recreational fishers. For example:

- providing guidance on the nature and level of detail required for dispute procedure applications
- assisting recreational groups in securing community based funding.

Recreational fishing organisations' ability to work effectively with other stakeholders may still largely depend on how many recreational fishers support them. Without significant support, they may not be well placed relative to commercial fishers. Managing recreational fishing will still primarily be done by government.

### **Summing up: Advantages and Disadvantages of Option 1 –**

#### **Discretionary Share Advantages:**

- Area management tools such as the disputes procedure and fisheries plans will continue to evolve and may positively affect recreational fishing in inshore areas
- The recreational sector can lobby the Minister directly to increase or maintain the recreational allowance
- Some additional assistance to recreational fishing groups.

#### **Disadvantages:**

- No security for recreational fishers, who must rely on the Minister's discretion in setting the recreational allowance (although the Minister must exercise the discretion reasonably)
- Few incentives for sectors to work together to improve the yield from fisheries, and encouragement of separate lobbying
- Recreational fishing clubs have limited ability to raise funds so their ability to work effectively with other stakeholders will partly depend on how many recreational fishers support them
- Managing recreational fishing will primarily be done by government, resulting in less opportunity for innovative local solutions developed by stakeholders with an interest in the fishery.

#### **Issues to think over:**

- What are your thoughts on the advantages and disadvantages of Option 1?
- Are there any ideas you disagree with, and if so why?
- Are there any other disadvantages or advantages that haven't been listed here?



## Option 2: Proportional Share

### Key features of this option:

- An on-going recreational to commercial proportional share would be established in fishstocks where recreational harvest is significant
- An alternative mechanism, recreational priority over commercial, is also discussed
- Measures would be taken to improve the recreational sector's ability to catch its share in accessible areas
- The government would continue to manage recreational fishing, including setting management controls like bag limits.

Like Option 1, some government assistance could be provided to recreational fishing groups. The groups would still need to persuade recreational fishers to support them and would not have as full a range of funding options open to them as for Option 3.

### Creating a permanent proportional share for recreational fishers

Recreational and commercial shares in key fishstocks would be permanently set as a proportion of the catch remaining after the customary harvest allowance is set. This means the Minister would set the total allowable catch and allow for customary harvest. Then the remainder would be split between recreational and commercial by the pre-determined proportions. The tonnage allocation stemming from the proportions would vary in line with changes to the total allowable catch and changes to customary harvest.

### Hypothetical<sup>9</sup> Proportional Share Example

- Ziffle fish are an important recreational stock. It has been determined that the ratio of the recreational / commercial share will be 50 per cent each.
- The Minister sets the Total Allowable Catch at 120 tonnes (based on scientific advice) for the next fishing year.

<sup>9</sup> The numbers in this example have been chosen simply to enhance understanding.

The Minister allows<sup>10</sup> 20 tonnes for customary harvest (based on estimates of customary harvest). This leaves 100 tonnes to be allocated as follows:

- 50 tonnes (50 per cent of 100) to recreational fishers
- 50 tonnes (50 per cent of 100) to commercial fishers.

If, at a later date the Total Allowable Catch is increased (or decreased); the proportional shares (50:50) between recreational and commercial will remain the same<sup>11</sup>, with the tonnage allocations increasing or decreasing in line with changes to the total allowable catch and customary harvest.

So, if the total allowable catch was later set at 135 tonnes and customary harvest was 25 tonnes, the commercial and recreational sectors would each have 50 per cent of the remaining 110 tonnes, that is 55 tonnes each.

#### **Benefits of a proportional share**

- A proportional share would give the recreational sector a clear right to a specified share
- If the Minister of Fisheries did not allocate recreational fishers the proportional share fixed in law, he or she could be judicially reviewed for acting outside the requirements of the Act. Therefore, a Minister would be most unlikely to make such an error
- Recreational and commercial fishers share proportionately in pain and gain. If a fishery improves, recreational fishers get benefits proportional to their share and if a cut is needed the same applies.

A proportional share increases the incentives for commercial and recreational fishers in a fishery to work together and alongside customary fishers. Creative arrangements could be developed to address issues of concern, rather than each group lobbying the Minister to give them preference at the expense of the other. Examples of what could be done are discussed in Option 3.

#### **How would proportional shares be set?**

The on-going proportional shares would vary from stock to stock, just as the recreational and commercial shares currently do. Proportional shares could be different to the current shares.

The aim is to give recreational fishers a “fair” share. However, there is no precise way of determining what is “fair”. There would need to be a pragmatic approach involving discussion and negotiation among the groups affected and government.

<sup>10</sup> For simplicity this example assumes no allowance has been made for other sources of fishing mortality such as illegal take.

<sup>11</sup> Consideration would need to be given to the circumstances, if any, under which proportional shares could be reviewed.

Where information is available, factors like the following could be the basis for discussion and negotiation between the groups:

- the current and historical recreational and commercial harvest levels
- the state of the fish stock, relative to the stock level producing the maximum sustainable yield<sup>12</sup>
- the value of the particular fishstock to each group
- the degree to which commercial fishing – particularly commercial fishing methods that cause local depletion – are restricted in accessible fishing areas
- benefits and costs of the proposals.

Proportional share arrangements should benefit the commercial sector by providing greater certainty about their future share of the catch and encouraging more collaborative relationships with recreational fishers.

However, if a proportional share was set that involved a significant reallocation from commercial to recreational fishers, the government would need to consider ways to reduce the impact on commercial fishers, including buying commercial quota. Government funding would be limited in some way, given there are many competing demands for government funding. Government would want to be convinced that expenditure to benefit recreational fishers was a good use of taxpayer funds. It is possible that government expenditure could be more generous if recreational fishers were prepared to contribute in some way. This is discussed in option 3.

### **Which stocks will be subject to a proportional share?**

For maximum flexibility, the Fisheries Act could be changed to allow proportional shares to be set for any stock. The stocks subject to a proportional share arrangement would be determined after identifying those stocks subject to the greatest recreational harvest. Views of recreational, customary and commercial fishers would be sought.

### **Why isn't customary harvest included?**

Customary fishing regulations provide for customary harvest first based on need. However, if tangata whenua desire, it is feasible for customary harvest to be included in a proportional share arrangement.

<sup>12</sup> This level is the maximum (tonnage) amount that can be harvested from a fishery on an on-going basis and is the target management level in the Fisheries Act.

### How will recreational harvest be managed within the share?

Having a proportional share is meaningless and unfair if one sector consistently over or under catches it. Requiring all recreational fishers to report all harvest is probably impractical because of:

- the large number of recreational fishers
- the associated administrative and compliance costs
- possible resistance to such a change.

MFish is planning to tender a research project to investigate techniques that may provide more accurate, up-to-date information on recreational harvest.

If recreational harvest is much more than the share, the controls (for example, bag limits) would need to be tightened. If recreational harvest looks to be significantly under the share, it could be for several reasons:

- bad weather may have reduced the number of people fishing
- the fishstock may be under stress
- commercial fishing in accessible inshore areas may have reduced recreational catch rates.

### Could the proportional shares ever be changed?

The idea of a proportional share arrangement is to provide certainty for both commercial and recreational fishers about how the catch is shared. If a proportional share arrangement was introduced, further thought would need to be given to:

- whether there should be a review process
- the circumstances in which changes to the proportional shares could be justified.

### Recreational priority over commercial

Many recreational fishers strongly desire recreational priority over commercial in highly desired recreational stocks so that the quality of recreational fishing keeps pace with population growth.

With priority, the recreational share would increase at the expense of the commercial share if recreational harvest increased<sup>13</sup>. Priority could be implemented by way of a formula linked to regional population growth and tourist numbers. Recreational priority could apply in key recreational stocks when there is insufficient abundance to meet non-commercial needs.

A priority proposal would affect commercial rights. Significant erosion of commercial property rights would result in compensation claims and court cases, and put the delivery of the Crown's obligations to Māori under the Deed of Settlement at risk, not to mention worsening relationships.

<sup>13</sup> Customary harvest would be provided for first.

This means government may need to consider buying quota. The issue becomes how it should be paid for. Government might question why taxpayers should fund an activity undertaken by 25 per cent of the population. However, some government funding might be provided if there looked to be overall economic benefits for the nation in allocating more of a particular stock to recreational fishers. Given the competing demands on government funding, if a priority system was agreed to it would have to be limited to a small number of stocks, (unless some funding is also contributed from recreational fishers – see option 3). It may be possible to establish a combination of proportional and priority shares; with proportional share with commercial in some fishstocks, and priority for recreational in other fishstocks.

### **Recreational catch rates in inshore areas**

Inshore catch rates are an important issue for the quality of recreational fishing. Concentrated fishing in popular and accessible fishing areas can result in localised depletion.

Commercial fishers with more powerful boats are sometimes more able than recreational fishers to catch their quota outside of accessible inshore areas, although in some cases at higher cost.

Tools like fisheries plans and the disputes procedure can be used to address conflict over use of space in particular areas.

### **The question is: What additional area management tools can be developed to improve the quality of recreational fishing in inshore areas?**

In considering this question, remember that:

- any proposals should not significantly adversely affect the rights of commercial and customary harvest groups (including mātaimai and taiapure), or fisheries sustainability
- localised depletion in some areas may be primarily a recreational fishing issue (for example, blue cod fishery in Marlborough Sounds) and further restriction of commercial fishing would not necessarily improve the situation
- commercial fishing is likely to remain important in inshore areas in the future. High value shellfish species like paua are found only in inshore areas. There are also some important inshore fisheries (for example, flounder)
- area management tools would operate within the wider marine management framework, such as the Resource Management Act and the Marine Reserves Act.

Better information on recreational harvest in target areas may help identify whether localised depletion is preventing the recreational sector from catching the recreational allowance.

To help address this question and to generate debate, two coastal zone proposals are outlined below.

### Issues to Think Over

Suggestions on how the proposals below could be improved, taking into account the bullet points listed on page 22 would be very useful.

#### A Coastal Zone

A coastal zone could be created and work like this:

- Recreational fishers would be able to apply to the Minister of Fisheries seeking to restrict commercial fishing in parts of the zone that they see as significant recreational fishing areas. The restrictions could include a total ban or restrictions on methods or fishing at particular times
- If the Minister thought the proposal was reasonable, he or she would notify affected parties and the public of the proposal. (The Minister would not be required to act on a proposal that sought very substantial restrictions and was not backed up by a reasonable case)
- When the proposal was notified, commercial fishers affected by the proposal would be required to demonstrate that the proposed restrictions would significantly adversely affect<sup>14</sup> them. Note that restrictions creating a significant adverse effect on individual quota holders may be difficult to put in place because of their property rights
- The Minister would use information from commercial fishers, combined with an assessment of the likely benefits to recreational fishers and the impact on customary fishing interests, to decide on the nature and extent of any restrictions.

#### B Automatic exclusion of particular methods

The following fishing methods could be prohibited within a certain distance from shore, unless fishers demonstrate that the restriction would significantly adversely affect them:

- Danish seining
- Purse seining
- Trawling
- Long-lining
- Types of set netting.

Commercial fishers wishing to use any of the methods within the zone would need to demonstrate that the restriction would significantly adversely affect them.

<sup>14</sup> This is the same criterion as that used in the disputes procedure.



Changing the onus of proof and automatically excluding particular fishing methods unless fishers can demonstrate a significant adverse effect is easier for recreational fishers than the zone proposal or the disputes procedures. However, it impacts on commercial fishing rights and raises issues that require discussion.

- Significant costs would be created for commercial fishers and the government if all commercial fishers using the specified methods had to apply to fish within the zone.
- Increased tension between stakeholder groups could be created.

There may be some areas where a zone may be highly unlikely to be feasible (unless government was prepared and able to buy quota back from commercial fishers). There may also be areas where such a zone is not necessary, such as parts of the West Coast where little recreational fishing occurs.

## Summing up: Advantages and Disadvantages of option 2 –

### Proportional Share Advantages:

- Recreational share is protected.
- Potential for the recreational sector to gain an increased share in some stocks when proportional shares are first established.
- Recreational and commercial share proportionately in pain and gain. If a fishery improves, recreational fishers get benefits proportional to their share and if a cut is needed the sharing principle applies.
- Greater incentives for customary, commercial and recreational sectors to plan ahead and work together at the fishery level for mutual benefit, for example using fisheries plans.
- Zones offer a potential extra way to improve recreational harvest in popular fishing areas.

*The advantage for recreational fishers having **priority** over commercial is that the recreational share would increase in line with increases in fishing activity.*

### Disadvantages:

- Difficult for recreational fishers to obtain a higher proportional share after the on-going proportional share has been set – recreational fishing would have to be permanently managed within the share<sup>15</sup>.
- Zones, would be costly to implement, and may be difficult to put in place because of impacts on customary and commercial fishing rights.

<sup>15</sup> Unless some sort of review process was part of the option.

- Recreational fishing bodies have limited ability to raise funds so their ability to work effectively with other stakeholders will partly depend on how many recreational fishers support them.
- Managing recreational fishing will still primarily be done by the government, resulting in less opportunity for innovative local solutions.

*The main issue with recreational **priority** over commercial under a Crown management regime is cost<sup>16</sup>. Significant taxpayer (government) funding may be needed to pay for commercial quota to increase the recreational share<sup>17</sup>.*

### Issues to think over:

- What are your thoughts on the advantages and disadvantages of a proportional share arrangement? Are there any you disagree with and if so why? Are there any other disadvantages or advantages that we haven't thought of?
- What are your thoughts on the advantages, disadvantages and implications of recreational priority over commercial?
- Do you think anything over and above the current arrangements (like the disputes procedure, fisheries plans and mātaimai) is needed to improve the ability of recreational fishers to harvest the recreational share?
- If so, what do you think about the zone ideas? Do you have any other ideas to improve the quality of inshore recreational fishing?

<sup>16</sup> Restructuring of inshore commercial fishing operations resulting in commercial fishing job losses and worsening of relationships between recreational and commercial fishing groups could also result.

<sup>17</sup> For example, one tonne of Paua quota is currently worth around \$200,000.



## Option 3: Recreational Management

### Key Features of this Option:

- Recreational fishing rights would be made clearer in law
- Recognised recreational fishing management groups would share in the day to day management of recreational fishing.

The focus of the discussion below is recreational management rights.

It is assumed that recreational rights would be made clearer in law in the same way as for option 2. That is an on-going proportional share with commercial or some form of priority (or a combination) would be established. The coastal zone mechanism could also be included.

### Recreational management

- Recreational management is about improving recreational fishers' ability to protect and enhance their interests by working more closely with the government and others to manage recreational fishing
- Recreational management groups would be formally recognised by government to act on behalf of recreational fishers
- Shared management requires significant support from recreational fishers, so this approach is unlikely to work unless fishers clearly want it. All parties should understand the rights and responsibilities associated with recreational management before opting for such a role
- Aside from the possible issue of funding, the average recreational fisher would not be required to contribute to fisheries management. However they could choose to be involved
- Recreational fishers would be represented by recreational leaders and many of the rules governing recreational fishing would stem from ideas put forward by these leaders.

This kind of involvement in recreational fishing management wouldn't happen overnight. Other issues would need to be worked through, such as:

- the need for a national body, and its role and function
- the boundaries and size of groups
- the nature of the organisation for example: trust

- any implications for the government's partnership role with Māori
- whether leasing of shares between sectors should be permitted.

Greater recreational fisher involvement in the management of recreational fishing offers a number of potential benefits. One of the most important is that it gives recreational fishers a stronger voice to promote their interests at the local and national level.

Recognised recreational groups could employ expert staff to undertake public education, policy analysis, compliance, research and advocacy. The groups could work with the government, customary and commercial fishers and the general public over fisheries issues.

There are two broad inter-related responsibilities of recreational management:

- 1 Managing recreational fishing (for example, recommending harvesting rules to suit particular locations).
- 2 Working with other stakeholders (for example, initiating ways to resolve disputes over different areas).

### **Managing recreational fishing**

If a proportional share arrangement were in place, the overall recreational harvest of each fishstock would still need to be managed within the overall recreational share. It may also be possible for the government or recreational fishers to buy commercial fishers' allocations in highly desirable stocks.

The government would continue to set controls on recreational fishing such as bag limits (so the controls would have the force of law). However, recognised recreational groups would recommend the necessary controls to the Minister.

The groups would have more flexibility to customise controls to suit the needs of the fishers they represent.

As a hypothetical example, recreational fishers might wish to:

- have a smaller size limit for paua and a smaller daily bag limit in Taranaki, where paua do not grow so large
- increase the minimum fish size for snapper combined with a smaller bag limit in Hawkes Bay so people have a better chance of catching premium fish
- decrease the bag limit for shell fish in the Auckland region to manage localised depletion.

In considering proposed rules, the Minister would need to be satisfied that they would provide a reasonable match with the recreational share. The Minister would also need to be satisfied that the government's environmental and Treaty of Waitangi obligations were met and that the cost of enforcing the rules was manageable.

The responsibilities of managing recreational fishing would include developing a plan to cover the exercising of management rights<sup>18</sup>. The plan would cover:

- objectives for recreational fishing in the fishery or area
- management controls to achieve these objectives
- supporting services such as compliance, research and education
- clarification of how environmental obligations under the Fisheries Act would be met.

The group could investigate technologies that could reduce mortality of undersized or unwanted fish and ways to reduce adverse effects on the aquatic environment.

Education and publicity about recreational rules and issues would be crucial. Recognised recreational groups could complete these tasks.

### **Working with other stakeholders**

Formal recreational management groups, working with a clearer recreational right, would help all three sectors agree on how best to manage harvesting in the fishery they share.

For example, the customary, recreational and commercial sectors could develop the following types of access agreements and include them in a harvesting plan<sup>19</sup> for the fishery:

- separate commercial and non-commercial areas for shellfish gathering
- setting commercial fishing off-limits in some areas at particular times (for example, staying out of some bays and harbours over the summer holiday period) in return for the recreational group supporting a commercial harvest strategy proposed as part of a fisheries plan
- restricting particular fishing methods in some areas.

The three harvest groups could also undertake other work to promote their shared interests, such as:

- identifying possible research to assist in managing the fishery
- making representations to local councils to achieve better land management practices if important fish nursery areas are being damaged by run-off and pollution
- improving detection of poachers and subsequent black-marketed fish.

<sup>18</sup> This sort of information could also be contained in a fisheries plan if this was desired.

<sup>19</sup> Other parties with an interest would also need to be able to have a say on such plans. The information could also be part of a fisheries plan.

### Approaches to recreational management

Shared management could be implemented in a variety of ways. Two approaches are outlined below to stimulate ideas and encourage debate.

The first approach is to enable recognised recreational management groups to be established over time in areas where there is sufficient interest. The second is to set up recreational management groups all at once. A legal framework could be developed for either option.

Shared Management Approaches	
Incremental: establishment of recreational groups in regions as necessary	Comprehensive: establishment of recreational groups across the country, including a national body

#### Incremental :

##### Optional establishment of recreational groups in each region

The Fisheries Act 1996 would be amended so regional recreational management groups are gradually established to manage recreational fishing alongside the government. Groups would only be established if fishers were interested in doing so and if the groups could satisfy the Minister of Fisheries that they:

- could responsibly manage recreational fishing
- had sufficient support from recreational fishers in the region
- had sustainable funding.

This approach could be used if support for recognised groups is stronger in some areas than in others. Further consultation could then take place in the particular region about establishing the group and deciding what its exact role and function would be.

The benefit of this approach is that the groups that are established may have a stronger support and mandate from local fishers. The disadvantage is that this approach could result in greater difficulty in establishing the groups and co-ordinating effectively with other regions.

#### Comprehensive:

##### Establishment of recreational groups across the country, including a national body

Regional marine fisheries management groups would be established across the country, with a national body made up of representatives from the regional bodies.

- The groups could either be funded by the government or by recreational fishers or a combination

- This model is similar to the approach used for managing trout and salmon fishing, where 12 regional Fish and Game Councils and a national body operate under provisions in the Conservation Act 1987
- The advantage of this approach is that regional groups and a national body, would be established nation-wide at the same time in a co-ordinated manner<sup>20</sup>
- The exact function and role of the national body versus the regional bodies needs discussing, particularly in relation to how much control the national body would have over the regional group
- A reasonable degree of support for the groups and funding is needed if they are to be fully effective.

## Key issues

If recreational fishers are interested in establishing formally recognised groups, there are some important issues to consider. Two major issues relate to accountability and funding. These issues are set out briefly below.

## Accountability

- Rights come with responsibilities. Management rights need to be exercised responsibly because fisheries are a very valuable resource, both in monetary and non-monetary terms. Fisheries need to be managed so future generations can enjoy them
- Before entering a formal arrangement with a recreational group, the government would need to be sure the group's constitution was fair. The government would expect to see a business plan detailing how the group intends to operate
- Each group would need to provide an annual report for the public, outlining its performance and setting out management objectives for the following year. Government would be responsible for monitoring and auditing performance, and would take back its hands on role if necessary
- The government would need to ensure that any management controls proposed by the groups were able to maintain the recreational catch within the allowance. Controls would also need to adequately control any adverse environmental effects of recreational fishing
- Recreational management groups would need to be representative of regional recreational fishers. Without a mandate, the groups may not have clear authority to negotiate with other stakeholders. This could result in low voluntary compliance with rules and regulations, which in turn could result in high compliance costs and the risk of over-fishing.

**Taxpayer funding or self-funding?**

Recreational management by recognised groups could be entirely taxpayer-funded. A strong case would need to be presented to government, given the government is often asked to increase funding in many areas, such as health and education.

Funding could also be some form of combination of government and recreational fisher funding. Government funding might be more generous if recreational fishers were prepared to contribute.

Arguments can be made for taxpayer funding in the set-up phase to help establish recreational management. Taxpayer funding could also be provided if the bodies took over some tasks currently administered by the government, such as managing the Honorary Fisheries Officer network. Further taxpayer funding is an option, however it is likely to be constrained.

Funding from recreational fishers would assist the recreational sector in taking on the responsibilities and opportunities of recreational management. Any such funding would go back to the recreational group to assist with fisheries management in the region. The recreational sector would not be solely reliant on government funding to meet its needs, providing greater flexibility to take action to protect and enhance the interests of recreational fishers and plan for the future.

The joint working group believes recognised groups should have access to more funding options, other than government funding, even if the groups choose not to use these options. It is entirely possible the government may decline to proceed with some of the options or may put restrictions on them. However, in the interests of open debate, a wide range of self-funding options are included, namely:

- licensing
- tags
- membership
- leasing quota
- sponsorship and community grants
- levies

These options are discussed in Appendix E.

### **Summing Up: Advantages and Disadvantages of option 3 – Recreational Management Rights**

**Advantages:**

- Recreational groups play a key role in managing recreational shares in fishstocks
- Recreational fishers have a stronger voice to act for recreational interests at the local and national level



## **Advantages cont.**

- There is more flexibility to adapt recreational fishing controls to suit local needs and conditions
- The improved ability to take part in or initiate the development of fisheries plans and other area management initiatives could improve the quality of recreational fishing
- More funding options, resulting in more empowerment and independence from government
- It may be possible to buy or lease additional catch rights from commercial fishers to meet increased demand from recreational fishers.

## **Disadvantages:**

- Recreational fishing representatives would need to take on a bigger commitment and responsibility to play a more hands-on role in fisheries management
- The recreational sector may need to provide funding if recreational management is to fully succeed
- There may be difficulty in establishing sufficient support and funding from recreational fishers and government
- There is potential for unnecessary bureaucracy.

## **Issues to think over:**

- Is establishing recognised recreational groups worth pursuing?
- What do you see as the strengths and weaknesses of the idea?
- If you think recreational management is a good idea, what do you think is the best way to move towards this approach – incremental, comprehensive or some other way?
- Compared to the current system, what are the advantages of a formalised recreational management arrangement over and above carrying on as currently, but with clearer rights?
- How important is a national body? What should the division of functions be between the regional and national bodies?
- How could recreational groups get sufficient support from recreational fishers?
- Would you be prepared to contribute to the cost of an organisation to represent the interests of recreational fishers? Why? Why not?
- If a comprehensive national approach to recreational management does not have enough support, should recreational fishers still be able to set up regional mandated groups?
- Are there any advantages and disadvantages that the working group has not thought of?

## Where to from here?

It is important that this document is debated thoroughly. Changes to recreational fishing rights affect all New Zealanders, not just those who actually fish. The public discussion document and consultation process does not aim to resolve all the detailed issues.

Our aim is to raise awareness of what the joint working group sees as the problems with the current arrangements and to determine if recreational fishers want any changes. If change is desired, the joint working group wants to find out whether the options in this paper are supported, or whether there are other options or issues that we have not examined.

### Public Meetings

A series of meetings is planned to discuss the material in this document. Meetings will be held around the country in September and October.

Dates and venues of these meetings will be advised in major newspapers circulating in each area, and will be available shortly from your nearest MFish office and on the MFish website: [www.fish.govt.nz](http://www.fish.govt.nz).

The New Zealand Recreational Fishing Council members of the working group are:

Keith Ingram	Auckland
Steve Penn	Bay of Plenty
Max Hetherington	Wellington
Jim Elkington	Marlborough
Trevor Howse	Canterbury

The Council is also willing to provide speakers to discuss these issues with fishing clubs. If you wish to have someone come to talk to your club please contact the Secretary, Max Hetherington on 025 497 827.

## **Submissions: We want to hear from you**

The release of this public consultation document is an opportunity for you to contribute your ideas and views on how recreational fishing in the sea should be managed.

We want to know:

- whether you agree or disagree with the proposals and issues identified in this document, (please refer to page numbers)
- your reasons for your views
- about alternative ways of resolving any of the issues you have raised
- anything you think the joint working group has missed.

The closing date for submissions is 30 November 2000. Submissions should be sent to:

Recreational Fishing Rights Joint Working Group  
FREEPOST 67219  
WELLINGTON

- Submissions can also be submitted through the MFish web site: [www.fish.govt.nz](http://www.fish.govt.nz)
- Please note that all submissions are subject to the Official Information Act and can be released, if requested, under that Act<sup>21</sup>. If you have specific reasons for wanting your submission withheld, please set out your reasons in the submission. MFish will consider those reasons when making any assessment for release of submissions if requested under the Official Information Act.

## **I've had my say, now what happens?**

- The results of the public consultation meetings and written submissions will be analysed. A summary of this analysis will be sent to people who made submissions.
- Based on the summary of submissions, more targeted consultation and analysis of specific issues with key stakeholder groups and government departments will take place. Cabinet will then consider what, if anything, to do next. Timing for Cabinet's decision is expected to be March 2001.

<sup>21</sup> Normal practice is to withhold the names of individuals who are making submissions.

Changes to recreational fishing rights involve complex policy issues. It will take some time to work through the consultation and analysis and to then prepare legislation if change is agreed to. Indicative timing for the next two steps is:

Date	Activity
July - November 2000	Public consultation
By March 2001	Analysis of submissions. Cabinet decision on what to do next.

#### **Additional copies and further information**

The joint working group prepared detailed background papers for discussion at the 1999 Recreational Fishing Council Conference.

These papers and/or additional copies of this document can be obtained by:

- e-mailing your request to: [www.fish.govt.nz](http://www.fish.govt.nz)
- mailing your request to:  
 Recreational Fishing Rights Joint Working Group  
 FREEPOST 67219  
 WELLINGTON
- collecting copies from the nearest Ministry of Fisheries office.

**REMEMBER:** Please mail your submissions

To: Recreational Fishing Rights Project  
 Ministry of Fisheries  
 FREEPOST 67219  
 WELLINGTON

**By: 30 NOVEMBER 2000.**

## Appendix A :

### The Government's Obligations To Māori : Deed Of Settlement

The Deed of Settlement settled the claims of Māori in respect to their customary fishing rights.

The Settlement Act split the commercial and non-commercial components of the customary fishing right and provided for each in a different way. The commercial part of the Settlement provided for quota, cash and other assets to be provided to Māori (the Sealord deal). The Treaty of Waitangi Fisheries Commission was established to manage those commercial assets on behalf of Māori.

The non-commercial component is provided for via the Customary Fishing Regulations passed in the late 1990s. The customary regulations devolve responsibility for managing customary food gathering to tangata whenua. The regulations provide a rigorous framework for managing customary fishing. Individuals wishing to exercise their non-commercial customary fishing right (and harvest more than the Amateur Fishing Regulations allow) must obtain a specific authorisation from an approved individual (tangata tiaki/kaitiaki). Harvest information is reported to MFish quarterly. The regulations also provide for the establishment of mātaimai reserves.

### Mātaimai reserves

- Customary fishing regulations became law in the late 1990s as part of the government's Treaty of Waitangi obligations under the Deed of Settlement. These regulations allow mātaimai reserves to be established.
- All non-commercial fishing within mātaimai reserves is managed by kaitiaki (guardians) of the tangata whenua.
- Commercial fishing is banned in mātaimai reserves, unless provided for in regulations made on the recommendation of kaitiaki.
- Management rules apply equally to all individuals fishing within mātaimai reserves.
- Permits may be issued for "functions to sustain the marae" when there is a ban on fishing by all individuals.

Recreational fishers, commercial fishers and the local community are all consulted about the establishment of mātaimai reserves and may be involved in managing a reserve. One mātaimai has already been established at Rapaki in Lyttelton Harbour, with strong support from the local community. Along with taiapure, mātaimai reserves allow hands-on management at a local level.

Some coastal communities are now working together to help tangata whenua establish mātaimai reserves for the benefit of all local users.

**Taiapure**

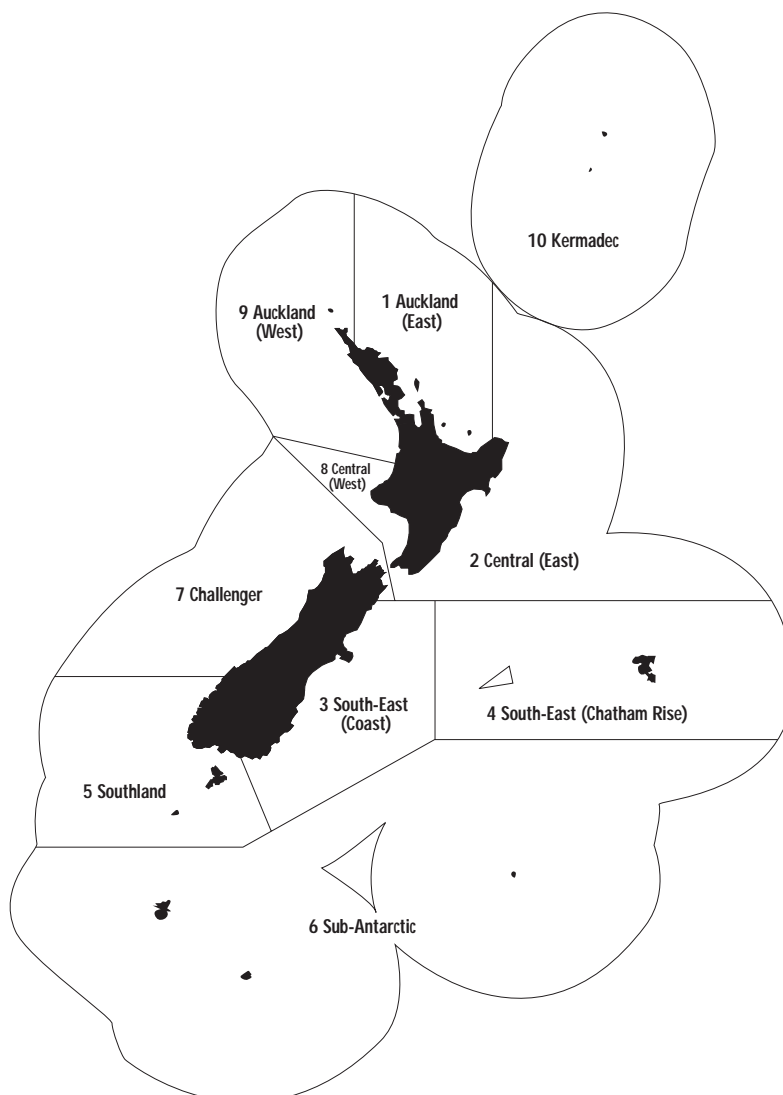
Estuarine or coastal fishing areas of special significance to tangata whenua can be set up as Taiapure under the Fisheries Act 1996. A management committee nominated by tangata whenua can then propose regulations for the management of all fishing within the taiapure.

Six taiapure are currently in place; Waikare Inlet, Kahia, Maketu, Porangahau, Palliser Bay and Karitane. A number of applications are pending.

**Appendix B:**

**Map of Fisheries Management Areas**

The 10 Fishery Management Areas below form the basis for Quota Management Areas.



## Appendix C:

### Examples of existing restrictions on commercial fishing in inshore areas:

- trawling is prohibited in many harbours, such as Doubtless Bay, Bay of Islands, Raglan Harbour, parts of the Hauraki Gulf and Firth of Thames, Wellington Harbour, Queen Charlotte Sound, inner Pelorus Sound, Kenepuru Sound, Akaroa Harbour and the Otago Harbour
- set netting or drag netting is prohibited in a number of areas such as Whangarei Harbour, Aotea Harbour, Portland Island and the Waitaki River mouth
- commercial harvesting of shellfish is permitted only in certain areas, such as the Snakebank cockle fishery in Whangarei Harbour, mussel dredging in Kaipara Harbour, paua fishing in small portions of the Wairarapa coast
- trawl exclusion zones outside harbour entrances on the west coast of the North Island
- all commercial fishing is prohibited in some areas, for example Mimiwhangata Peninsula, Horokaka (Mahia Peninsula), Paterson Inlet (Stewart Island).

There are also a range of voluntary restrictions, such as trawling restrictions in Golden Bay, Tasman Bay and off the Taranaki and Wellington coasts.

In the Nelson-Marlborough Scallop fishery, commercial, recreational and customary fishers often reach agreement over areas where only non-commercial fishing can occur.

## Appendix D:

### Information on new provisions that may improve inshore recreational fishing disputes procedure

If recreational fishers believe commercial fishing is significantly adversely affecting their fishing in an area they can use a disputes resolution procedure<sup>22</sup>.

In ruling on a dispute, the Minister of Fisheries cannot make a ruling that has a significant adverse effect on any person with a fishing interest.

The disputes procedure has been used twice so far:

- In the Coromandel Scallop fishery, the Minister of Fisheries banned commercial scallop fishing in a number of areas that had previously been subject to voluntary commercial closures. This ruling withstood legal challenge.
- In Tauranga Harbour, the Minister of Fisheries appointed a Disputes Commissioner. The Commissioner met all the parties concerned and recommended that a joint management committee for the harbour be established. This committee is now in place, and the Minister approved some regulatory restrictions on drag netting in March 2000.

<sup>22</sup> Established under Part VII of the Fisheries Act 1996. Customary and commercial fishers can also use the procedure.

Section 311 of the Fisheries Act allows for restrictions on commercial fishing to be made, following a disputes procedure, even when a significant effect could be created. In this case, commercial fishers may seek compensation if it was not provided, which may be one reason why Section 311 has not been used.

### **Fisheries plans**

The Fisheries Act 1996 was amended in September 1999 so fisheries plans could be developed. These plans can be submitted to the Minister of Fisheries for approval. The Minister of Fisheries must take all approved plans into account when making decisions under the Fisheries Act about matters like sustainable catch limits and measures to control the adverse effects of fishing on the environment.

Fisheries plans enable decisions on fishing levels and supporting services (for example, research and compliance) to be made at the same time. Plans will include medium to long-term management objectives for a fishery and the research and compliance strategies needed to achieve these objectives. Fisheries plans are an important way to encourage the fishing and environmental groups to work together towards mutually acceptable solutions and a greater shared understanding.

The Act is very broad in terms of what may be included in a fisheries plan. In fisheries where all three harvest groups have an interest, the plan should cover commercial, recreational and customary fishing. However, if the Minister of Fisheries was asked to approve a fisheries plan outlining a harvest strategy for commercial fishing, he or she would first need to ensure that sustainability and environmental obligations under the Fisheries Act were met. The Minister would also need to consult recreational and customary fishers – approval would be highly unlikely if the Minister decided the plan was unfair on either of these groups. This should encourage commercial fishers to consider the interests of non-commercial fishers (and environmental interests) when developing a commercial harvest strategy in a shared fishery.

### **Appendix E:**

#### **Options for fisheries management funding contribution from recreational fishers**

##### **Licensing**

Licensing means paying a fee in order to fish. This fee could be an annual charge or an ad-hoc charge when an individual wishes to fish. The pros and cons of different types of licensing could be considered:

- licensing for particular high-value recreational fishstocks that are under pressure
- licensing people who wish to take more than a small minimum bag limit for example, three finfish and 10 shellfish per day
- licensing charter boat operators (or imposing a levy) to generate funding from fishers, including overseas tourists.



## Tags

Tagging requires people to use tags when catching specified fish species. One important benefit would be providing information on harvest of the species.

Tags could be free or cost money. If there were a charge, the cost would be better related to the frequency of successful fishing, than an annual licence which people had to pay regardless of how often they fish or how much they catch.

Complimentary tags could be provided as part of a membership fee if combined with the membership option.

## Membership

Individuals could pay a membership fee to join a recognised recreational group. The fee could be quite low, say \$20, to encourage as many people as possible to join. Membership would not have to be compulsory. Instead the fee could be a way of enabling the fisher to contribute towards regional fisheries management. Under this scenario, the fisher could stand for election and play a major part in the group's activities.

To attract support, the group would need to market itself, by promoting the protection and enhancement of recreational fishing rights in the area.

A variation on this option is to allow members to take a higher individual daily bag limit than non-members, within overall recreational harvests limits.

## Leasing quota

If a proportional share arrangement was in place, recognised recreational groups could lease some of their harvesting right to commercial fishers and use the funds to assist in representing the interests of recreational fishers<sup>23</sup>.

Leasing quota is really only an option if recreational fishers:

- receive a higher share in some stocks than they currently harvest
- decide to reduce recreational harvest for a period to raise funds.

Good monitoring systems would be needed to monitor recreational harvest if some recreational quota was leased to commercial fishers. The leasing option requires further thought.

## Sponsorship and Grants

Recreational management groups could get sponsorship to help support recreational fishing and the interests of recreational fishers. This could include negotiating bulk discounts with suppliers for a range of member services, such as petrol or fishing goods. Government could assist recreational fishing groups in seeking to obtain funding, such as Hillary Commission Funding and Lottery Grants.

<sup>23</sup> Providing for quota to be leased but not sold protects the interests of future generations – a recreational group would not be able to sell quota and leave future generations of recreational fishers without assets. The share would need to be defined with appropriate safeguards if the concept of leasing was agreed to.

**Levies – fishing gear and tournaments**

Another possible source of funding that is worth investigating is placing levies on fishing gear or tournaments<sup>24</sup>.

SOUNDINGS

<sup>24</sup> Issues like the resulting incentive to have more tournaments need to be carefully considered.

## Glossary of terms

**amateur fishing regulations** the regulations that specify the rules that apply to amateur (non-commercial) fishing in different parts of the country

**bag limit (legal daily limit)** the amount of fish that amateur (non-commercial) fishers are legally entitled to take on any one day for particular species as specified in the amateur fishing regulations

**biological diversity (biodiversity)** biological diversity describes the variety of all biological life – plants, animals, fungi, and micro-organisms – the genes they contain and the ecosystems on land or in the water where they live. It is the diversity of life on earth

**Cabinet** is the group of ministers that takes collective responsibility for Government decisions

**Recreational allowance** the share of each fishstock that is assigned to the recreational sector

**commercial fishing** fishing undertaken to make a profit. The fisher must hold a fishing permit issued under the Fisheries Act

**Crown** the Crown comprises the Government (the executive), the Parliament (the legislature) and the Judiciary (the courts)

**customary fishing** fishing undertaken by tangata whenua under the Customary Fishing Regulations to provide for traditional, customary, and marae functions

**customary fishing regulations**

either the Fisheries (Kaimoana Customary Fishing) Regulations 1998 or the Fisheries (South Island Customary Fishing) Regulations 1999, which provide the non-commercial part of the settlement of Māori fishing claims (see Deed of Settlement)

**Deed of Settlement**

the agreement signed between Māori and the Crown to settle Māori fishing claims, and legislated for in the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992

**drag netting**

is where a net is pulled (dragged) through shallow water by people holding onto either side of the net to capture fish in the path of the net

**Fish and Game Council**

is a council established under the Conservation Act 1987 with responsibilities for managing trout and salmon fishing, and hunting

**Fisheries Act**

Fisheries Act 1996 and amendments. An Act which provides for the use of fisheries resources while ensuring sustainability

**fisheries liaison committees**

are groups of representatives of local groups, with an interest in fisheries matters, established by the Ministry of Fisheries to consult about fisheries issues

**fisheries plans**

are provided for under the Fisheries Act. A plan may cover:

- fisheries management objectives in the fishery
- area management controls to achieve these objectives
- supporting services such as compliance, research, and education
- how environmental obligations under the Fisheries Act will be met

<b>fishstock</b>	means any fish, or shellfish of one or more species that are grouped together as a unit for fisheries management purposes
<b>Honorary Fisheries Officer</b>	(HFO) Volunteers holding a warrant under the Fisheries Act 1996 to carry out monitoring and enforcement activities for non-commercial fishing
<b>Individual Transferable Quota</b>	(ITQ, quota) A perpetual, tradeable property right within the quota management system. The right is to catch a quantity of a fishstock in a specified area. ITQ generate an annual right to a share of the total allowable commercial catch
<b>inshore areas</b>	include bays, harbours, and the sea close to the shore where the majority of recreational fishing activity occurs
<b>joint working group</b>	a committee comprising representatives of the NZ Recreational Fishing Council Inc and the Ministry of Fisheries which prepared this document
<b>localised depletion</b>	is where fisheries resources in a particular area may be depleted from concentrated fishing or environmental factors
<b>mandate</b>	authority to represent (in this particular case) recreational fishers in a specified area
<b>Mataitai Reserve</b>	A customary Māori area management tool. See appendix A
<b>MFish</b>	the Ministry of Fisheries

<b>property right</b>	a legal right or interest in specific property, in this case of fisheries resources
<b>purse seining</b>	a fishing method where a net is set to completely surround a school of fish and the bottom of the net is pulled together (pursed) to prevent the fish escaping
<b>quota</b>	see 'Individual Transferable Quota'
<b>Quota Management System</b>	(QMS) A system based on individual transferable property rights (ITQ), the primary mechanism used to manage New Zealand commercial fisheries
<b>recreational fishing</b>	takes place under the Amateur Fishing Regulations. Recreational fishing is primarily for pleasure or/and food, the catch is usually kept for personal consumption and can't be sold or traded
<b>Recreational Fishing Council</b>	the New Zealand Recreational Fishing Council Incorporated
<b>recreational (fishing) rights</b>	is a legal statement of the rights for recreational fishers, which may include the quantity of fish that can be harvested, where the harvesting may take place and the associated management responsibilities
<b>Resource Management Act</b>	(RMA) Resource Management Act 1991 and amendments
<b>set netting</b>	a fishing method where a net is set in the sea for some period of time. The top length of the net has floats attached and the bottom length is weighted, so that the net hangs in the water. Fish are captured when they swim into the net

<b>Settlement Act</b>	See Deed of Settlement
<b>stakeholders</b>	is a term used to include all groups who have an interest in fisheries, including Tangata Whenua, commercial, recreational, and environmental interests
<b>submissions</b>	written comments on the proposals in this document
<b>subsistence fishers</b>	are non-commercial fishers who depend on catching seafood for their family to eat
<b>sustainability</b>	the capacity of fisheries resources to meet reasonably foreseeable needs of future generations
<b>Taiapure</b>	A customary Māori area management tool. See Appendix A
<b>Tangata Tiaki/Kaitiaki</b>	guardians, any person or persons appointed under the customary fishing regulations to manage customary food gathering or a Mātaitai Reserve
<b>tangata whenua</b>	people of the land, the whenua, hapu or iwi that have a spiritual authority to the land (mana whenua) through ancestral occupation
<b>Total Allowable Catch</b>	(TAC) The sustainable amount of fish that the Minister of Fisheries allows to be harvested from a particular fishstock in any one year
<b>Total Allowable Commercial Catch</b>	(TACC) The amount of the Total Allowable catch which may be taken from a particular fishstock in any one year by the commercial fisheries sector

**trawling**

a fishing method where a net, with a wide mouth and a bag (or ‘codend’) behind it, is pulled through the sea by a commercial fishing vessel capturing the fish in the path of the net

**Treaty of Waitangi Fisheries Commission (Te Ohu Kai Moana)**

is a commission established to facilitate Māori into commercial fishing, and to hold and distribute the assets from the settlement of Māori fishing claims

**yield**

the amount of fish that can be harvested in a sustainable manner year after year. Total allowable catches are usually set to achieve the maximum sustainable yield (MSY)



# SOUNDINGS



MINISTRY OF FISHERIES  
Te Tautiaki i nga tini a Tangaroa

Cast your line! Sounding out New Zealanders' views on the future of recreational fishing.

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