

CREDIBLE FISHERIES MANAGEMENT

1 The Ministry's Statement of Intent (SOI) identifies credible fisheries management as made up of functions relating to:

- Acting in accordance with Treaty principles;
- Developing management frameworks;
- Tangata whenua and stakeholder engagement in fisheries management;
- Objectives based management.

2 This section of the NIWC plan describes how these requirements are currently applied in the management of NIWC fisheries. It also describes MFish's Compliance capability and the way it operates in the NIWC region.

Tangata Whenua Input and Participation

3 The Ministry of Fisheries must act in accordance with Treaty principles wherever there are Maori interests in fisheries. These are principles of partnership, active protection and redress. The Ministry must act reasonably, honourably and in good faith. It must provide for the input and participation of tangata whenua in decision making including particular regard to Kaitiakitanga.

4 Individual deeds of settlement frequently include protocols that set out how the Ministry of Fisheries will interact with the iwi governance entity. In particular, the protocols are designed to enable iwi input into the Ministry processes such as: the development of sustainability measures; research planning; contracting for services; and the employment of staff with customary fisheries responsibilities.

5 The Ministry of Fisheries has established a number of iwi forums along the west coast of the North Island and is working to establish more. Those already established include Te Hiku o Te Ika in the Far North, Nga Hapu o Te Uru in the Tainui area, Te Taihauāuru in the Taranaki-Whanganui Manawata/Horowhenua area and the Hokianga Accord. Representatives for each of these forums are also involved in Te Kawa Mo Tangaroa (National Customary Fisheries Forum). Iwi are involved with Te Ika a Maui Freshwater Fishing Forum.

6 Iwi forums bring tangata whenua of an area to meet and provide formal input and participation into fisheries management decisions which affect their area. MFish also includes tangata whenua in all written consultation exercises.

7 The Ministry has established teams to help meet its objectives to tangata whenua. These are:

- Pou Hononga, who work with tangata whenua to develop forums, act as intermediaries between tangata whenua and MFish, and who help to ensure that iwi and hapu are aware of fisheries management proposals in their area, and
- Pou Takawaenga, who are a resource that iwi can draw on to document and achieve customary fishing objectives. This includes developing research and management

plans for fisheries in the rohe moana of the iwi they are associated with.

Stakeholder and Tangata Whenua Engagement

8 The SOI says that as another element of credible management, there needs to be effective engagement with tangata whenua, other government departments and the public in management of fisheries. The SOI foresees tangata whenua and stakeholders playing an increasingly important role in areas of management, such as providing input into decision-making frameworks and into standard setting.

9 Participation in this way should ensure management measures are appropriate and effective for their intended purpose. It should enhance credibility because stakeholders' involvement increases their understanding of management processes. It should also increase their willingness to commit to actions and strategies that look beyond immediate consequences to prospects of potential benefits realized in the longer term.

10 There are a number of local community groups undertaking initiatives in the long term management of local resources and environments. These groups include the Integrated Kaipara Harbour Management Group, Whaingaroa Environment Centre, Kaipara Harbour Sustainable Fisheries Management Group, Awhitu Peninsula Landcare Inc, Muriwai, Piha and Te Henga/ Bethells Beachcare groups and the Kaipara, Waitakere, and Waikato branches of Forest and Bird.

11 Groups with an interest in the North Island West Coast are provided at Annex 7.

Customary non-commercial

12 Customary engagement will mainly occur in the way described on page 56 for tangata whenua engagement and participation.

Recreational

13 Like tangata whenua, recreational fishers on the west coast have a combination of formal consultative groups and other ways for individuals and groups to participate in fisheries management. The formal groups are the recreational forums that have been set up to enhance participation by recreational fishers in all aspects of management.

14 The Northland Non-Commercial, North Island Central West and North Island South West forums have west coast members who are involved in line fishing, surfcasting and set netting on the west coast. Representatives from these regional forums also attend a national recreational forum which meets annually.

15 MFish consultative processes also provide opportunities for individuals and interest groups, such as option4, the New Zealand Recreational Fishing Council, and the New Zealand Big Game Fishing Council who have interests in particular proposals on the west coast to get involved. There are several surfcasting and fishing clubs whose members are mainly west coast fishers who have shown an ongoing interest in west coast issues and who will almost certainly want to be involved in management.

16 There are recreational representatives on the fisheries working groups that consider research and subsequently research findings for various individual and groupings of species (including those on the west coast).

Commercial

17 The Challenger Finfish Management Company Ltd. is a regional Commercial Stakeholder Organisation for QMA 8 quota holders. Further north, quota holders for west coast stocks are members of the Northern Fisheries Management Stakeholder Company Limited. The national body – the Seafood Industry Council (SeaFIC) also oversees and has involvement in west coast fisheries issues – and also participates in the fisheries working groups.

Environmental

18 MFish has no consultative structures that have been set up with environmental representation. Instead a range of environmental interests including university researchers, Royal Forest and Bird, and other national environmental organisations such as the World Wildlife Fund participate in both working groups and in specific fisheries issues on the west coast such as Maui's dolphin protection.

19 ECO, founded in 1971, is the national umbrella group for 65 organisations with a shared concern for the environment and sustainable management of natural resources. ECO has a long-standing interest in the marine environment and in fisheries management, conservation and the coastal marine area. Member organisations are spread throughout New Zealand and comprise national, regional and local organisations, some themselves federations, such as Federated Mountain Clubs and the National Council of Women. ECO members also include national branches of international organisations such as Friends of the Earth and Greenpeace.

Multi-stakeholder

20 In Taranaki, the Ministry co-ordinates a long-standing, multi-stakeholder fisheries forum – the Taranaki Fisheries Liaison Committee. The committee includes stakeholder representatives from all sectors within the region., including iwi representatives and a wide range of recreational clubs/organisations including several boating and surfcasting clubs. The majority of quota owners within QMA 8 are represented on the committee by the Challenger Finfish Management Company Ltd. Some other crown agencies such as DOC and regional councils are also involved in the committee.

21 There has been another similar committee that met in Wanganui. However, membership has declined and fishers from Wanganui have been invited to join the Taranaki committee.

Compliance Framework

22 The fisheries management regime is constructed around sustainable utilisation of fisheries resources with regard for the continued health of the aquatic ecosystem. This includes mitigating the effect of fishing on other species. Access to the fisheries for commercial, recreational and customary fishing is subject to rules of sustainability and allocation.

23 Fisheries management objectives are dependent upon high levels of compliance with the sustainability and allocation rules defined in legislation.

Compliance Strategic Goals and Operational Strategies

24 The MFish Compliance strategic goals are to maximise voluntary compliance and to maintain an effective deterrent.

25 MFish operational compliance strategies are based on achieving high levels of compliance in the three fishing sectors. While there are some differences in the strategies applied to the different sectors, there is overlap in the monitoring, compliance and enforcement activities that support these strategies. Some activities, such as those relating to the Fisheries (Reporting) Regulations 2001, will remain sector specific. Fisheries obligations include those found in regulation, gazette notices, circulars, chief executive or ministerial directives, permit conditions, etc.

26 MFish compliance must not only accommodate the Fisheries Act and its subordinate regulations but also other related legislation such as the Crimes Act 1961, Privacy Act 1993, Marine Mammals Protection Act 1978 and the Customs & Excise Act 1996. References to specific regulations relevant to this Fish Plan can be found in the Services section at the end of this document.

The Sectors

Commercial

27 The commercial fisheries management regime is founded on defined entities which are permitted and registered to allow access to the fishery and for them to operate within the QMS. Quota management, and balancing catch against ACE, are based on comprehensive reporting of fishing activity. In addition, records and returns are required to verify authorised fishing and fishing-related activity and transactions.

28 The above ensures a paper trail that allows a focus on all aspects of the commercial supply chain from harvesting to on-board processing and storage, marine farming, transshipments, vessel discharges, fish receiving, transportation, onshore processing and export, and wholesale and retail sale.

29 In addition to the legislative requirements administered under the Fisheries Act, commercial fishers must also comply with other legislation; including those relating to food and maritime safety. Other legislative requirements govern at sea fishing operations including those aimed at minimising the effect of large scale fishing operations on more localised populations, the habitat and other species.

30 MFish compliance and enforcement activities are based on low level monitoring, surveillance, audit, analysis, investigation and prosecution of offences. The substantial fines and forfeiture provisions found in the Fisheries legislation recognises the importance of accurate records and returns, the profit driver behind offending, as well as the difficulties in offence detection. Serious offending can lead to prosecution under the Crimes Act and potential imprisonment.

31 A high level of responsibility and obligation is imposed on those authorised to participate in commercial fisheries. MFish expects commercial fishing entities to be informed about and to operate in compliance with their legal obligations. Compliance and enforcement strategies and activities reflect these expectations.

32 Very little compliance activity is directly targeted at the aquaculture sector, which is primarily dealt with through regional councils.

Recreational

33 Recreational fisheries management is based on open and unlicensed access. This is subject to regulatory restrictions which include bag catch limits, area and seasonal closures, and fishing gear and method specifications. Some of these measures act to restrict conflict with the commercial sector while others relate to sustainability.

34 While recreational fishers are expected to be aware of the fishing regulations, MFish compliance activities include raising awareness about the relevant rules among recreational users. In addition to this, operational compliance activities include land and sea patrols, inspections and prosecution of offences.

Customary

35 Section 186 of the Fisheries Act 1996, MFish provides for customary food gathering by Maori and the special relationship between tangata whenua and places of importance for fishing (including tauranga ika and mahinga mātaītai), to the extent that such food gathering is neither commercial in any way nor for financial gain or trade.

36 Access to the fisheries for customary purposes is restricted by legislation and subject to authorisations. An authorisation form listing harvest conditions must be carried while fishing and transporting fish and must be shown to a Fishery Officer on request. Over time these authorisations will be issued in accord with iwi based management plans for areas over which they hold mana moana. The conditions of the authorisation are determined by the kaitiaki and MFish compliance activities support these restrictions.

37 MFish compliance activities include checking the validity of authorisations and ensuring that fishers are acting in accordance with the authorisation conditions.




Offence Types

38 The following table summarises the offending risks that exist within the West Coast North Island fishery.

Table 20: Summary of key Offending Risks in the West Coast North Island Fishery

| Type | Opportunity | Impact | Prevalence |
|--------------------|--|--------|---|
| Area misreporting | High value stock with differing levels of ACE in neighbouring areas. Operators working across area boundaries. | HIGH | Trawls for SNA crossing areas 8 and 1. Misreporting between areas 7 and 8. |
| Dumping | Difficult to detect. Limited enforcement resources and large patrol area. | HIGH | A number of stocks in the region have limited ACE and/or are low value catch. |
| Black Market Sales | Many small localised communities with history of cash trades. | MEDIUM | GMU has existing black market linked to small local trade. |

| | | | |
|------------------------|--|--------|--|
| Illegal Gear/Methods | Increase landings from lower effort. | LOW | Difficult to conceal from inspections. |
| Recreational Offending | Large number of potential landing sites, limited coverage. No reporting requirement. High value catch. | MEDIUM | Usually involves undersized catch or catch in excess of limit. |
| Customary Offending | Large area. High value catches for some species. | LOW | Usually contravenes provisions of authorisation. |

| | |
|---|--------|
|  | HIGH |
|  | MEDIUM |
|  | LOW |

Commercial Offences

39 The NorthWest Finfish Advisory group believes compliance level within the commercial sector has reached reasonable levels as the industry wide trend towards consolidation has tended to drive out less reputable operators. However, commercial offences can still present the most significant threat to fisheries management and the aquatic environment because of the high volumes involved. The majority of the commercial offending revolves around unreported or misreported catch while the remainder includes non-harvesting offences, the use of illegal gear and methods, and violations to size and area restrictions. The current economic environment in the fishing industry, with high fuel costs and exchange rates, has created an additional incentive for some commercial operators to offend.

Misreported Catch

40 Misreporting occurs when incorrect weights, quantities, species, areas or landed states are reported. The primary motive behind this type of offence is that it minimises the use of ACE and related deemed value charges. The incentives for this behaviour become greater when ACE availability is constrained. The two main kinds of misreporting are:

- Misreporting weight - this can involve misreporting bin or carton weights to be lighter than they actually are. Quantity misreporting may also be used as an entry point into black market trading. Grey mullet has been identified as a concern for direct sales because it has historically been a localised cash trade.
- Area misreporting - believed to be the biggest compliance concern in the area. Fishers are likely to misreport their catch if the stock in a neighbouring QMA is under less pressure. Trawls will often cross FMA boundaries making it difficult to determine the origin of landed catch - especially between areas 8 and 1 for snapper and gurnard.

Unreported Catch

41 In contrast to misreported catch, non-reporting offences are attempts to completely circumvent the QMS reporting requirements. These offences allow fishers to increase their income by either avoiding QMS related expenses, or by maximising the value of their landed catch through “high-grading”. The two main offences of this kind are:

- Dumping of QMS species. Dumping is prohibited under s 72 of the Fisheries Act 1996 and species such as snapper and red gurnard are at risk of this type of offending.

Indications signal high risks through high grading of species e.g. red gurnard. This is because there are no minimum size limits and fishers must land all catch, even though smaller specimens will often garner a port price that is below ACE costs.

- Poaching - the unauthorised taking of fish, usually involving high value species or fishing in closed areas. For the purpose of this plan poaching activity fits within the description of a commercial offence. Black market sales are occasionally seen in this area, and typically within small localised communities that trade fish e.g. grey mullet for cash or other goods.

Illegal Gear/Methods/Size/Area

42 The use of illegal gear and methods, and violations to size and area restrictions can increase fishers' productivity by increasing their catch. Though of low prevalence in the North West finfish fishery, the main issues associated with this type of offence are:

- Most of the species covered in this plan have minimum net size restrictions and are therefore susceptible to illegal gear offending, though during inspections this illegal gear is hard to conceal from Fishery Officers;
- Many QMS species have minimum size restrictions limiting the fish available for catching. The size limits for west coast species are on Table 17;
- Fishing methods used in some west coast fisheries have seasonal or area closures restricting commercial fishing. These are shown on Map 11... Commercial closures are largely respected but occasional incursions do occur.

Access Offences

43 There is a range of administrative requirements that commercial fishers have to comply with. These include having a valid and current fishing permit and vessel registration, and being able to produce documents that prove this when required to. Also, vessels are required to be marked in a particular way to allow quick identification by compliance staff.

44 In some cases it is also a requirement to have an automatic location communicator (ALC) installed and operating on-board vessels to make them compatible with the Vessel Monitoring System (VMS). Besides aiding enforcement activities, these provisions allow and clarify access to the fishery. For this reason, violations to these administrative provisions are considered to be significant offences.

45 Non-harvesting offences occur further down the supply chain and usually involve attempts to conceal information from the fisheries management framework's reporting requirements. LFRs and DIFs have the potential to obscure the true quantity of fish during the landing and processing of catch and distribution of fish through to the final point of sale.

Recreational Offences

46 These types of offences relate to recreational fishers contravening the regulations associated with the amateur regulations that determine their allocations. There are occasional recreational offences with the most typically encountered offences including fishers catching:

- In excess of assigned bag limits;
- Below the MLS;
- In a closed area;

- Using illegal methods and gear.

47 Although the quantity involved in a single recreational offence is typically much smaller than its commercial counterpart, the potential to negatively impact the fishery remains.

48 Incentives for recreational offending include socioeconomic factors – obtaining large amounts of “free” seafood and some fishers’ strong opposition to current or any fishing regulations controlling their fishing activities. These intangible factors make it difficult to forecast with any certainty the level of compliance/non compliance in the west coast (and other) regions.

Customary Offences

49 Customary offences occur when the taking of species contravenes the conditions of a customary authorisation, or are taken using an invalid authorisation. Detecting this kind of offending is difficult because of the extensive coastline and problems in MFish staff remaining aware of all authorisations that have been issued. These two factors, combined with further difficulties faced by compliance staff in being able to check the validity of authorisation conditions against catch makes detecting offending difficult.

50 There is the occasional occurrence of customary offending involving species with high value, e.g. snapper and its relative ease of access make it the biggest concern within the species listed in this plan.

51 Another offence that occasionally occurs is the issuing of customary authorisations retrospectively, that is issuing an authorisation after the fishing event has occurred.

Information and Education

52 MFish undertakes a number of activities aimed at increasing and improving fishers’ knowledge about fishing legislation and the consequences that may arise from breaching the regulations that apply to their activities. MFish strongly believes that improving fishers’ knowledge and understanding of these regulations will help maximise voluntary compliance across the sectors.

53 The key means with which to maximise compliance is to ensure stakeholders are aware of the purpose for the specific legislative requirements, the associated implications, and how these support both stock sustainability and fishers’ access to stocks. As a way of assisting with this, MFish places emphasis on providing information and involving stakeholders in the development of management measures and decision making.

General compliance activities

54 Compliance activities that relate to all sectors include:

- On site signage at as many main fishing areas as possible;
- Ministry of Fisheries website;
- Fishery Officer interactions with fishers;
- Stakeholder consultation and meetings;

- Honorary Fisheries Officers (HFOs) interactions with fishers;
- Media Releases;
- Community Meetings;
- School programmes.

Commercial compliance activities

55 Compliance activities that relate mainly to commercial fishers include:

- Trade shows;
- Boat shows;
- Supporting industry bodies (i.e. SeaFIC);
- Liaison with FishServe.

Recreational compliance activities

56 Compliance activities that relate mainly to recreational fishers include:

- Presentations and talks with interested community groups e.g.:
 - RSA
 - Coastguard
 - Scouts/Cubs groups
 - Fishing clubs
 - Primary schools
- Boat shows;
- Recreational Fisher’s Handbook and brochures providing legislative requirements
 - Translated into multiple languages;
- Set net information campaign to protect Maui’s dolphin.

Customary compliance activities

57 Compliance activities that relate mainly to customary fishers include:

- Developing tangata whenua customary packages;
- Discussing and assisting tangata whenua with aspects of customary fishing regulations;
- Developing measures for pātaka/storage of large amounts of kaimoana taken under customary authorisations for future use;
- Developing and distributing specific brochures/signage dealing with:
 - Section 186A of the Fisheries Act 1996;
 - Reg 27/27A
 - Mataitai, as required;
 - Taiapure, as required
- Assist with training of Tangata Tiaki/Kaitiaki in their roles for rohe moana

- Support and work with Tangata Tiaki/Kaitiaki in relation to authorisations issued.
- Attendance at all iwi forum meetings;
- Meetings with iwi groups;
 - Working with iwi on specific Treaty settlements, Seabed and Foreshore Settlement
- Encourage uptake of Kaimoana Regulations in place of Reg 27/27A.
- Assist tangata whenua in developing compliance plans.

Effective Deterrence

Monitoring and Surveillance

58 MFish carries out monitoring and surveillance across the three sectors to ensure fishers operate in accord with the legislative requirements that govern their access to the fishery and their activity. On the NIWC this monitoring and compliance is mainly carried out by teams of Fishery Officers based in Wellington, New Plymouth, Hamilton, Auckland, Whangarei and Kaitaia who work partially or wholly on the west coast. HFOs provide valuable support for monitoring of sectors, primarily non commercial fishers.

Commercial

59 MFish's monitoring services are aimed at ensuring optimal levels of compliance by providing a system of checks and balances throughout the supply chain. The permit process and regular monitoring ensures that fishers with a commercial access right are clearly identified. Reporting and recordkeeping requirements place a high level of responsibility on the commercial sector and are an essential part of MFish's monitoring efforts. These requirements are imposed at various levels of the supply chain, so that MFish monitoring allows cross-validation of multiple sources of information.

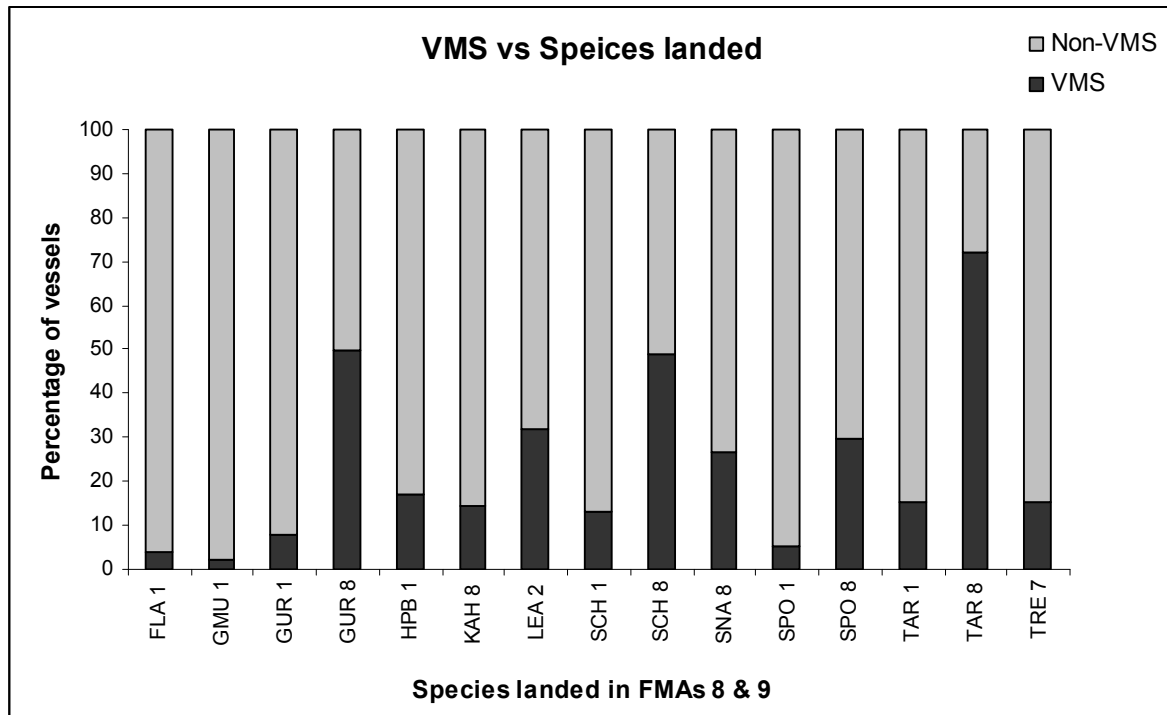
60 At the harvesting level, Catch Effort & Landing Returns (CELR), Catch Landing Returns (CLR) and Monthly Harvest Returns (MHR) are utilised to monitor fishing activity. The reporting process follows through to the next level of the supply chain with the Licensed Fish Receiver Returns (LFRR) and records kept by DIFs that detail the source, type and quantity of fish received.

61 Recordkeeping is also critical to the integrity of the QMS and is an obligation under the Fisheries (Recordkeeping) Regulations 1990 for commercial fishers, LFRs, DIFs, and registered fish farmers. The auditing and analysis of these records in association with catch and processing returns allows MFish to account for and track the movement of fish and marine life. This required record keeping also allows MFish to identify problems that require further analysis or discussion with a fisher, processor or DIF.

62 At sea surveillance and dock monitoring occurs randomly and as part of targeted operations. Land and sea based activities are often used to combat poaching and black market trade. Inspections may lead to more detailed monitoring and surveillance and may be carried out at sea, at harvesting areas or at the facilities of processors and DIFs such as restaurants. These inspections are intended to verify that fishers are acting within the commercial fishing regulations, and to assist in identifying those that are not.

63 Aerial and surface surveillance and VMS are also essential to MFish’s ability to both track and monitor fishing activity. Surveillance is also used to assess illegal activity involving offences that can not be detected from other sources within the commercial fleet. Surveillance information may be supplemented by assistance from the public.

64 Below is a graph showing the percentage of vessels that have VMS in these fisheries and those that do not. This is based on where the fish were taken from, irrespective of where it was landed. Note, due to the way information is collected and stored, some of this data may include figures from outside FMA 8 and 9, e.g. FLA 1 includes catch data from FMA 1, 8 and 9.



Recreational

65 There are numerous regulations that apply to the various kinds of recreational fishing activities that occur on the NIWC, including bag and size limits, gear requirements and area restrictions. The number of recreational fishers makes the task of ensuring that these fishers are complying with the amateur regulations a demanding one.

66 To achieve compliance within the recreational sector, Fishery Officers carry out regular inspections of the species, sizes and quantities of fish, shellfish or aquatic life caught, and the fishing gear used. Fishery Officers’ inspections may take place on board vessels, at boat ramps, or along beaches and coasts. The officers also monitor fishing area restrictions e.g. seasonal or area closures. Surface and aerial surveillance are also essential components of detecting potential offences.

67 Honorary Fishery Officers increase the Ministry’s capability both to provide information on the rules to amateur fishers and to ensure fishers are observing these rules.

Customary

68 Monitoring of the customary fishing sector is done in conjunction with recreational efforts. Additional emphasis is placed on the inspection of customary authorisations for the validity of the authorisation, the size and quantity limits, harvested species, and the fishing methods used to obtain their harvest. Inspections of fish taken from taiapure and mātaītai areas are also carried out by Fishery Officers to ensure compliance with customary regulations.

69 MFish compliance activities enforce the conditions imposed in the issued authorisation. Operational compliance and enforcement activities include support to those involved in the issue of customary fishing authorisations, initiatives to raise awareness, patrols, inspections and prosecution of those operating contrary to the conditions of authorisations.

Deterrence

70 MFish uses surveillance and enforcement activities to assist in gathering and focusing the analysis of information, and undertakes investigations where monitoring and surveillance identifies potential offending. MFish also makes use of strong deterrents to promote its goal of voluntary compliance. As part of its compliance activities, the Ministry carries out more specific and focused monitoring to support investigations of potential or detected offending. These investigations, along with other enforcement activities, can lead to the prosecution of alleged offenders and feed back into targeted monitoring.

71 Recreational offenders found in possession of three times or above their daily bag limit, are considered to be operating more as commercial fishers so that commercial offences apply. Minor breaches will often result in an infringement notice or a verbal warning that are intended to improve fishers' knowledge about the rules they have broken.

- Convictions can result in substantial financial penalties. The severity of these penalties will be dependent upon the gravity of the offence in terms of its impact on the fisheries management framework, the rights of other users and the fishstocks. These penalties include: Forfeiture of property such as boats, gear, or any related thing believed to have been or intended to be used in a breach of legislation;
- Commercial breaches may result in forfeiture of quota or possible imprisonment;
- Forfeiture of catch;
- Monetary fines.

72 The tables below specific information on illegal activity within the North West Fin Fishery that occurred within the 2007 calendar year. There are certain limitations listed that arise from the manner in which the information is captured within the MFish database, such as:

- Certain fields may have no value as it was not entered when the information was initially captured.
- The two tables only provide data on breaches that are directly attributable to one of the fish stocks covered in this plan.
- These tables primarily deal with breaches committed during harvest and generally do not include offences carried out by Licensed Fish Receivers or Dealers in Fish.
- A large number of reporting infringements issued to the commercial sector would not appear in these figures since these are not generally linked to a particular species.

- Cases where fish stocks covered in this plan were not the primary species taken in a breach would not be captured in these figures.
- Types of misreporting (whether based on area, species, volume, etc.) are not separated into individual categories.

Table 21: Number of offences in each sector and the decision made for the 2007 calendar year

| Offence Description | Decision | | | | Total |
|--|-------------|-----------|-----------|------------------|-----------|
| | Discontinue | Prosecute | Warning | Decision pending | |
| Made a false or misleading statement in return (Breach of Reporting and Recordkeeping Regulations) | 4 | 18 | 45 | 0 | 67 |
| Makes a false or misleading statement (Breach of Reporting and Recordkeeping Regulations) | 0 | 4 | 0 | 0 | 4 |
| Making a false or misleading statement in a return (Breach of Reporting and Recordkeeping Regulations) | 1 | 0 | 2 | 6 | 9 |
| Unlawfully dumping fish (Breach of Fisheries Act) | 1 | 5 | 3 | 1 | 10 |
| Total | 6 | 27 | 50 | 7 | 90 |

Services

73 This section provides detailed information on the range and category of services provided for the NIWC fisheries. Some of these services are specific to this region while others are general in nature but have an impact on the NIWC. Specifically, this section provides comprehensive information on:

- Regulations in place in the fishery;

| Decision | Commercial | Deepwater Commercial | Inshore Commercial | Poaching/Black market | Recreational | Not described | Total |
|---------------------|------------|----------------------|--------------------|-----------------------|--------------|---------------|------------|
| Discontinue | 1 | 4 | 5 | 4 | 12 | 0 | 26 |
| Infringement Notice | 0 | 0 | 11 | 0 | 160 | 0 | 171 |
| Prosecute | 0 | 0 | 115 | 5 | 20 | 0 | 140 |
| Warning | 5 | 50 | 62 | 17 | 261 | 5 | 400 |
| Decision pending | 1 | 0 | 25 | 1 | 6 | 0 | 33 |
| Total | 7 | 54 | 218 | 27 | 459 | 5 | 770 |

- Stakeholder measures in place in the fishery;
- General MFish services provided in the current year that may be relevant to the NIWC;
- Specific services for the NIWC that will be delivered over the coming year.

Legislation

74 The following sets of regulations apply to the NIWC:

- Fisheries (Auckland and Kermadec Areas) Amateur Fishing Regulations 1986
- Fisheries (Auckland and Kermadec Areas) Commercial Fishing Regulations 1986
- Fisheries (Central Area Amateur Fishing) Regulations 1986
- Fisheries (Central Area Commercial Fishing) Regulations 1986
- Fisheries (Amateur Fishing) Regulations 1986
- Fisheries (Beach Cast Seaweed Area Prohibition) Notice 2002
- Fisheries (Commercial Fishing) Regulations 2001
- Fisheries (Declaration of New Stocks Subject to Quota Management System) Notice (No 2) 2005
- Fisheries (Infringement Offences) Regulations 2001
- Fisheries (Kaimoana Customary Fishing) Regulations 1998
- Fisheries (Over-Fishing Thresholds for Quota Management Stocks) Order 2001
- Fisheries (Quota Management Areas, Total Allowable Catches, and Catch Histories) Notice 1986
- Fisheries (Reporting) Regulations 2001
- Fisheries (Stocks Determined Not to be Subject to Quota Management System) Notice 2005 Fisheries (Total Allowable Catches) Notice 2000 Marine Reserve (Kapiti) Order 1992;
- Marine Reserve (Paraninihi) Order 2006
- Fisheries (Pukerua Bay Closure) Notice 2004

75 These regulations cover aspects of all commercial, recreational and customary fishing in the area, not just the finfish stocks under review in the NIWC fisheries plan. Table 23 shows how specific regulations from the above legislation relate to the NIWC fisheries plan.

Table 23: Regulations that apply to recreational (amateur) fishers in NIWC

| Regulation number | Regulation | Date introduced | Purpose of regulation when introduced |
|-------------------|---|-----------------|---------------------------------------|
| | Auckland and Kermadec Areas (Amateur Fishing) Regulations 1986 | | |
| 3 A (2) | Taking more than the daily limit of a list of popular fish species prohibited | 1993 | Sustainable amateur fisheries |
| 3 A (3) | Taking more than the daily limit of 30 grey mullet prohibited | 1993 | Sustainable amateur fisheries |
| 3 A (4) | Taking more than the daily limit of | 1993 | Sustainable amateur fisheries |

| Regulation number | Regulation | Date introduced | Purpose of regulation when introduced |
|-------------------|--|--------------------------|---|
| | a total quantity of 5 hāpuku/bass and kingfish prohibited | | |
| 3 A (5) | Taking more than the daily limit of 3 kingfish prohibited | 1993 | Sustainable amateur fisheries |
| 3 A (6A) | Taking more than the daily limit of 10 snapper prohibited in the Auckland fishery management area (west) prohibited | 2006 | Sustainable amateur fisheries |
| 3 B | Identifies minimum set net mesh sizes for a list of popular species likely to be intended targets for amateur set netters | 1986 | To prevent set nets catching juvenile fish - ultimately a sustainability measure |
| 3 C | Minimum length of snapper is 27cm | 1994 | To allow fish to mature and spawn before harvesting |
| 4 | All fishing prohibited in part of the Manukau Harbour | | To prevent birds being attracted to the airport margins |
| 6 C | Set netting prohibited in defined areas: - Cape Reinga - Scott Point - Tauroa Point (Reef Point) - Whangape Harbour - Maunganui Bluff – Tirua Point to 7nm offshore - Manukau Harbour entrance, Kaipara Harbour entrance, Waikato River mouth and Raglan Harbour entrance. | 1996 2006 2008 | Preventing net loss and “ghost fishing” Maui’s Dolphin is a very rare protected species that is at risk from set netting |
| 6 C A | Drift netting is prohibited in Port Waikato | 2008 | Maui’s Dolphin is a very rare protected species that is at risk from drift netting |
| | Taking of spotted black groper prohibited | 1986 | Spotted black groper is a protected species |
| | Fisheries (Central Area Amateur Fishing) Regulations 1986 | | |
| 3A(1) | Taking more than the daily limit of a list of popular fish species prohibited | 1993 | Sustainable amateur fisheries |
| 3A(3) | Taking more than the daily limit of 10 snapper prohibited | | Sustainable amateur fisheries |
| 3A(4) | Taking more than the daily limit of 5 hāpuku/bass and kingfish prohibited | | Sustainable amateur fisheries |
| 3A(5) | Taking more than the daily limit of 3 kingfish prohibited | | Sustainable amateur fisheries |
| 3B | Identifies minimum set net mesh sizes for a list of popular species likely to be intended targets for amateur set netters | 1986 | To prevent set nets catching juvenile fish – ultimately a sustainability measure |
| 4A | Set netting prohibited in Pauatahanui Inlet | | Preventing local depletion |
| 4B | Minimum length of snapper is 27cm | 1994 | To allow snapper to mature and spawn before it is allowed to be caught |

| Regulation number | Regulation | Date introduced | Purpose of regulation when introduced |
|-------------------|--|-----------------|--|
| 5 | Restrictions on fishing around Sugar Loaf Islands - restrictions apply to fishing methods and species permitted to be caught within defined areas around these islands | | To give greater protection to finfish and shellfish than is normally provided outside the park, to recognise the special importance of the area to the Taranaki region |
| 5C | Set netting prohibited from Tirua Point to Pariokariwa Point out to 7nm offshore. | | Continues the set net closed area to protect Maui's dolphin that extends down the NIWC |

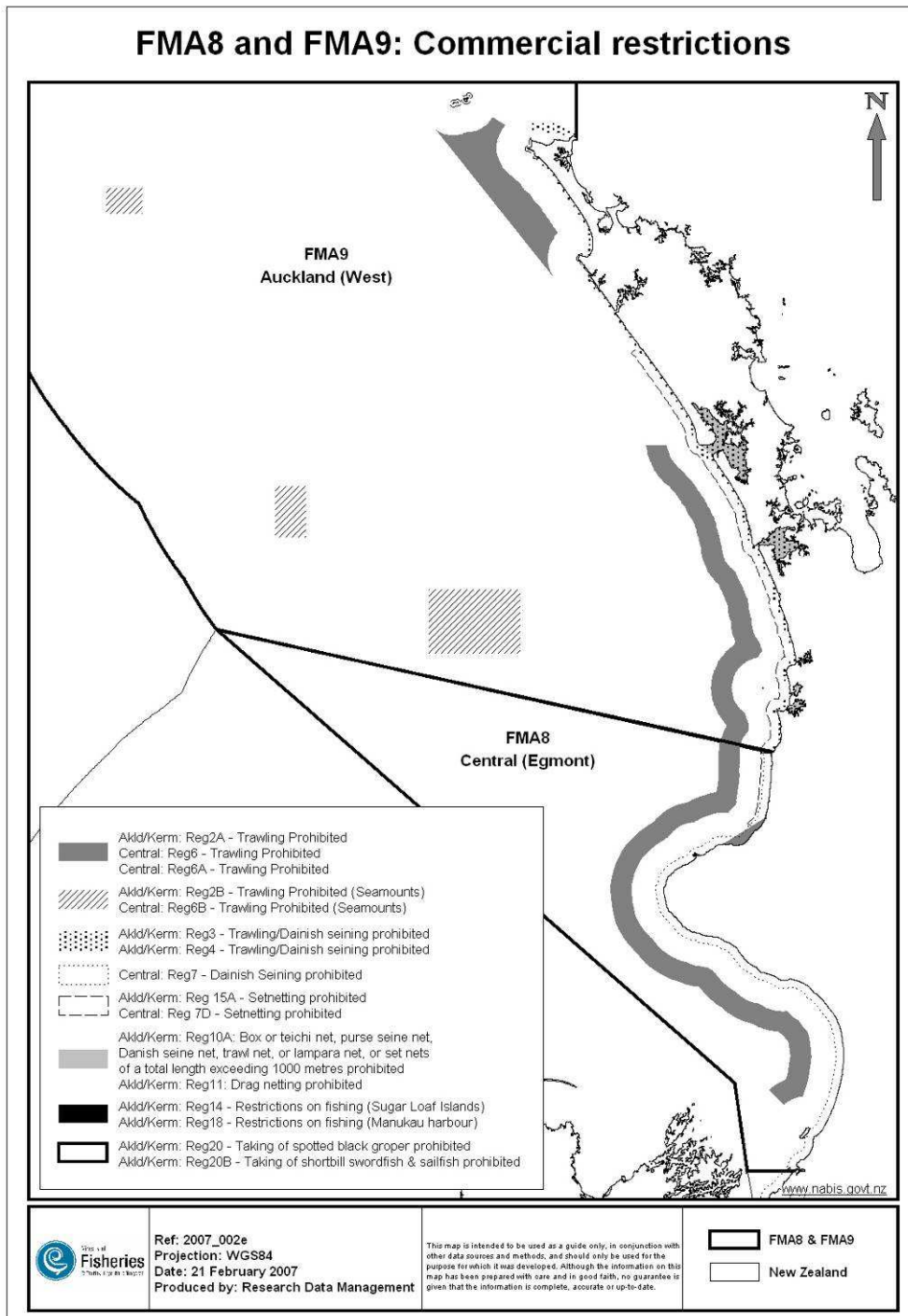
Table 24: Regulations that apply to NIWC commercial fisheries

| Regulation number | Regulation | Date introduced | Purpose of regulation when introduced |
|-------------------|---|-----------------|---|
| | Auckland and Kermadec Areas (Commercial Fishing) Regulations 1986 | | |
| 2A | Trawling prohibited by New Zealand fishing vessels over 46m in defined parts of the AFMA | 1986 | Sustainability – fishing by very large vessels in inshore waters prohibited |
| 2B | Trawl nets prohibited in closed (defined) seamount areas | 2001 | Maintaining biodiversity by reducing impacts of trawling on marine habitats and ecosystems |
| 3 | Trawling and Danish seining prohibited within 1 mile of west Auckland coast | 1986 | Protection of juvenile snapper and prevention of use of bulk fishing methods in important non-commercial areas |
| 4 | Trawling and Danish seining prohibited within 2 nautical miles of entrances of: Kawhia Harbour, Aotea Harbour, Raglan Harbour, Manukau Harbour, Kaipara Harbour, Herekino Harbour, Whangape Harbour, Hokianga Harbour, Waikato River Mouth. | 1986 | Protection of juvenile fish including those entering harbours and preventing conflict with non-commercial fishers |
| | Trawl nets or Danish seine nets prohibited within the following waters: Spirits Bay – Tom Bowling Bay | 1986 | Sustainability reasons |
| 5 | Unless authorised by permit trawl nets with a mesh size less than 125 mm in the cod end are prohibited within a defined area of the AFMA | 1986 | Sustainability – preventing capture of juvenile fish |
| 5A | Unless authorised by permit the taking of fish by trawl net, set net, Danish seine net, purse seine net, lampara net, drag net, or dredge is prohibited | 1989 | Sustainability |

| Regulation number | Regulation | Date introduced | Purpose of regulation when introduced |
|--------------------------|--|------------------------|--|
| 5C | Taking anchovy, pilchard, or saury by purse seine or lampara net allowed with net with mesh size no less than 25 mm | 1998 | Sustainability – preventing capture of juvenile fish |
| 5F | Prescribes minimum set net mesh sizes when intending to catch a range of species | 1993 | Sustainability – preventing capture of juvenile fish |
| | Minimum space between nets 60 meters Maximum length of a box or teichi net, purse seine net, Danish seine net, trawl net, lampara net, and set net is 1000 metres in the following waters: Waikato River Mouth | 1993 | Net spacing to allow continued passage of fish Sustainability – preventing use of bulk fishing methods in harbours |
| 10 C | Drift netting is prohibited in Port Waikato | 2008 | To protect Maui’s dolphins, which are vulnerable to capture by drift nets |
| 11 | Drag nets are prohibited from the following harbours: Kawhia, Aotea, Raglan, Manukau and Kaipara | 1986 | Sustainability – preventing use of bulk fishing method in harbours |
| 13 | Minimum drag net mesh size for taking snapper in AFMA 125mm | 1986 | Sustainability – preventing capture of juvenile fish in drag nets |
| 14 | Subject to conditions relating to net mesh size, length, spacing, taking fish by stalling a set net permitted on the mudflats in Kaipara Harbour | 1986 | Makes provision for particular local conditions affecting set netting |
| 15 | Minimum set net mesh size for taking snapper, trevally, or rig 125 mm | 1986 | Sustainability – preventing capture of juvenile fish in set nets |
| 15A | Set netting prohibited within defined areas at: -Three Kings Islands, Cape Reinga—Scott Point, Tauroa Point (Reef Point)—Whangape Harbour -Maunganui Bluff—Tirua Point, Manukau Harbour entrance, Kaipara Harbour entrance, Raglan Harbour entrance and Waikato River mouth. | | - Enhancing biodiversity by preventing loss of set nets and “ghost fishing” - Maui’s dolphin are a protected species – the closures are intended to remove threat of accidental capture in set nets |
| 16 | Maximum length of set for taking mullet, kahawai, flounder and all other fish in Kaipara Harbour is 1000m | 1986 | Sustainability – preventing use of bulk fishing methods |
| 18 | Applies restrictions on fishing times and disposal of offal in a defined area adjoining the International Airport | 1986 | Intended to prevent birds being attracted to Auckland International Airport |
| 20 | Taking spotted black groper prohibited | | Spotted black groper are a protected species |
| 20B | Taking shortbill, spearfish and sailfish from the Auckland Fishery Management Area prohibited | 1988 | |
| 20E | Taking specified list of reef fish for sale prohibited | 1986 | Biodiversity/sustainability of reef fish populations |
| | Central Area (Commercial Fishing) Regulations 1986 | | |

| Regulation number | Regulation | Date introduced | Purpose of regulation when introduced |
|--------------------------|---|------------------------|---|
| 3A | Identifies minimum set net mesh sizes to be used in the Central Fisheries Management Area for a list of species | | Sustainability – preventing capture of juvenile fish |
| 6 | Prohibits trawling in Wellington Harbour, Porirua Harbour, Urenui Bay | 1986 | Sustainability – prevents use of bulk fishing methods in enclosed waters. The closure at Urenui Bay was implemented to specifically protect an important nursery area for many important finfish species. |
| 6A | Prohibits trawling by vessels over 46m in defined area of the CFMA | | Sustainability – fishing by very large vessels in inshore waters prohibited |
| 6B | Trawling prohibited on four west coast seamounts | | Protection of biodiversity – the marine life associated with seamounts |
| 7 | Danish seining prohibited within 3nm of the shore along the coast southward from Tirua Point | | Prevention of local depletion in nearshore waters |
| 7A | Applies conditions to use of set nets in shallow (less than 30 metres) waters. | | To prevent the use of large surface set nets and so to prevent entanglement with other fishers. |
| 7B | Applies set net soak time for netting in the CFMA | | Prevention of wastage of fish that can occur if nets left for too long |
| 7D | Prohibits set netting prohibited from Tirua Point to Pariokariwa Point. | | Continues the set net closed area in the AFMA intended to protect Maui's dolphin from accidental capture. |
| 9A | Prohibits commercial fishing other than crab potting from Porirua Harbour. | | Prevents commercial non-commercial conflict in Porirua Harbour |
| 14 | Restrictions on fishing around Sugar Loaf Islands – restrictions apply to fishing methods and species permitted to be caught within defined areas around these islands. | | Combination of measures intended to protect the marine life associated with the Islands |
| 14G | Taking of fish and aquatic life by trawl net, set net, surrounding net or dredge in QMA 8 prohibited unless authorised by permit. | | |

Map 10: Commercial Restrictions in FMA 8 and FMA 9



Stakeholder Measures

76 There are three west coast voluntary stakeholder measures. They are the North Taranaki voluntary trawl agreement, the South Taranaki voluntary trawl agreement and the Kapiti-Wellington Voluntary Trawl Agreement. All agreements are well supported by the local commercial and recreational sectors. The aim of the agreements is to provide a physical separation between trawl fishing and recreational fishing to improve recreational access to finfish species close to shore. There is a widely held view that there is high quality recreational fishing in the region. Many locals attribute the good fishing to the effects of the voluntary agreements.

Table 25: Stakeholder Measures

| Stakeholder measure | Date introduced | Who does it apply to | Who manages it | Purpose of measure | Is this measure still relevant | Outcome |
|---|-----------------|--------------------------|----------------|--|--------------------------------|-------------------------------|
| North Taranaki Voluntary Trawl Agreement | Early 1990s | Commercial trawl vessels | Industry | Separate trawlers and inshore non-commercial fishers | Yes | Credible fisheries management |
| South Taranaki Voluntary Trawl Agreement | Early 1990s | Commercial trawl vessels | Industry | Separate trawlers and inshore non-commercial fishers | Yes | Credible fisheries management |
| Kapiti-Wellington Voluntary Trawl Agreement | Early 1990s | Commercial trawl vessels | Industry | Separate trawlers and inshore non-commercial fishers | Yes | Credible fisheries management |

General MFish Services Applicable to NIWC

77 The following generic services are delivered by MFish across a range of fisheries of which the NIWC is one. These result in specific services related directly to the NIWC, are discussed in more details in the following section.

Table 26: MFish Services

| MFish Business Group | Service | Description | Why its relevant to this fishery | Outcome |
|------------------------------|----------------------------|--|---|---|
| Compliance | Education services | Development and distribution of educational products for recreational fishers, including, signs and brochures that promote information on rules and guidelines for measuring and handling fish | Information produced for Participation in community events such as boat shows/school visits | Credible fisheries management |
| | Monitoring and enforcement | Compliance monitoring and enforcement to ensure regulations in place are adhered to | Duties performed by the regional compliance offices in Nelson, New Plymouth, Hamilton, Auckland, Whangarei and Kaitaia: <ul style="list-style-type: none"> • Vessel inspections • LFR inspections • Non-commercial patrols • Investigations and prosecutions undertaken | Credible fisheries management/Environment Protected |
| | Surveillance | | Non-commercial customary patrols undertaken as per District Surveillance Plan Investigations Poaching and black market initiatives | Environment protected/Credible fisheries management |
| Fisheries Information | Observer coverage | Agreed observer days in FMA 8 & 9 | | Environment protected |
| | Specific stock assessment | Estimate of biomass and sustainable yields for fishstocks | Relate specifically to the stocks in the fisheries plan | Environment protected |
| | Biodiversity research | Ascertaining the role of different organisms and habitats in maintaining the health and sustainability of the NZ aquatic environment | Research into Maui's dolphins – could have impact on regulations in NIWC fishery and the environmental restrictions currently in place | Environment protected |

| MFish Business Group | Service | Description | Why its relevant to this fishery | Outcome |
|-----------------------------|---|---|--|---|
| Fisheries Operations | Fisheries management | On going work delivered by the Inshore team to support the NIWC fishery | Some of this work is directly applicable to the NIWC (category 3): <ul style="list-style-type: none"> • Statutory processes • Ministerial servicing • General monitoring Other aspects of this work do not directly relate to the NIWC but still impact on it (Category 2): <ul style="list-style-type: none"> • Recreational forums • Customary forums | Credible fisheries management/ Best value realised |
| | Objectives based fisheries management implemented through fisheries plans | Working with stakeholders to develop fisheries plans in order to better define what we want to achieve from fisheries and to clearly link the management interventions and services to these objectives | NIWC fishery benefiting from this approach although purpose of the service is for fisheries management as a whole | Environment protected/credible fisheries management |
| | Deed of settlement implementation | To increase the capacity of Maori to participate in fisheries management processes | Benefits customary fishers in the NIWC and provides greater clarity for other stakeholders | Best value realised /Credible fisheries management |
| | MPA development | In collaboration with DOC, MFish will provide an integrated process including regional consultation, for establishing a network of MPAs around New Zealand | | Environment protected |

Specific NIWC Fishery Services

78 Table 25 describes specific services that will be delivered in the fishery during 2006-07 e.g. observer days, research and sustainability measures.

Table 27: Specific NIWC Fishery Services

| Service | Description | Purpose | Timeframe |
|---------------------------------------|---|--|-------------------------|
| Observer Days | MFish observers collect information while out at sea on commercial fishing vessels | Collect biological information about stocks (age/size), detailed catch composition for science. Catch information and sightings of marine mammals and birds. Collect information about commercial fishing activities | 2008 - 09 |
| Sustainability measures | Stock research reports for stocks | Stock sustainability | Oct - Dec 2009 |
| | Review/Draft AMP reports for stocks | Stock sustainability/enabling commercial fishers to maximise value | |
| | Develop TAC options for stocks, draft advice, consult and implement | Stock sustainability | Dec 2008 - Oct 2009 |
| | Deemed value review process implemented. Review of all fishery stocks to assess whether the TACC has been breached or significant deemed values have been paid – where this is the case alternative deemed value rates may be proposed. (Deemed Value Standard) | To ensure appropriate deemed values are in place in the fishery to encourage fishers to balance catch with ACE rather than deeming fish landed | February - October 2009 |
| Reporting Measures | New trawl catch reporting forms | To provide relevant information for fisheries management | 2008 - 09 |
| Environment/habitat protection | MPA process commences (not specific to this fishery) Preparation of Threat Management Plan to protect Maui's dolphins Shark national plan of action developed | Collaborative development of proposed MPAs in FMA3 Credible management of sharks | 2008 - 09 |

| | | | |
|-------------------|--|---|-----------|
| Compliance | | Credible fisheries management by ensuring stakeholders have confidence in the fisheries management system | 2008 - 09 |
|-------------------|--|---|-----------|