

7 November 2006

Fisheries stakeholders

## **FISHERIES STANDARDS**

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### **Introduction**

#### ***Background***

- 1 In the 2005-2008 Statement of Intent, the Ministry of Fisheries introduced the term “objective-based approach to fisheries management”. This approach comprises a number of key components, including outcomes, standards, and fisheries plans containing goals, objectives, and management measures.
- 2 Information on fisheries plans has already been provided by the Ministry and information on outcomes will be provided in the future. The purpose of this paper is to describe how the Ministry proposes to use standards. In particular, the paper:
  - Defines standards in the context of objectives-based fisheries management
  - Describes how standards will be used; and
  - Sets out the process that the Ministry will use to develop standards.

#### ***Objectives-based Management***

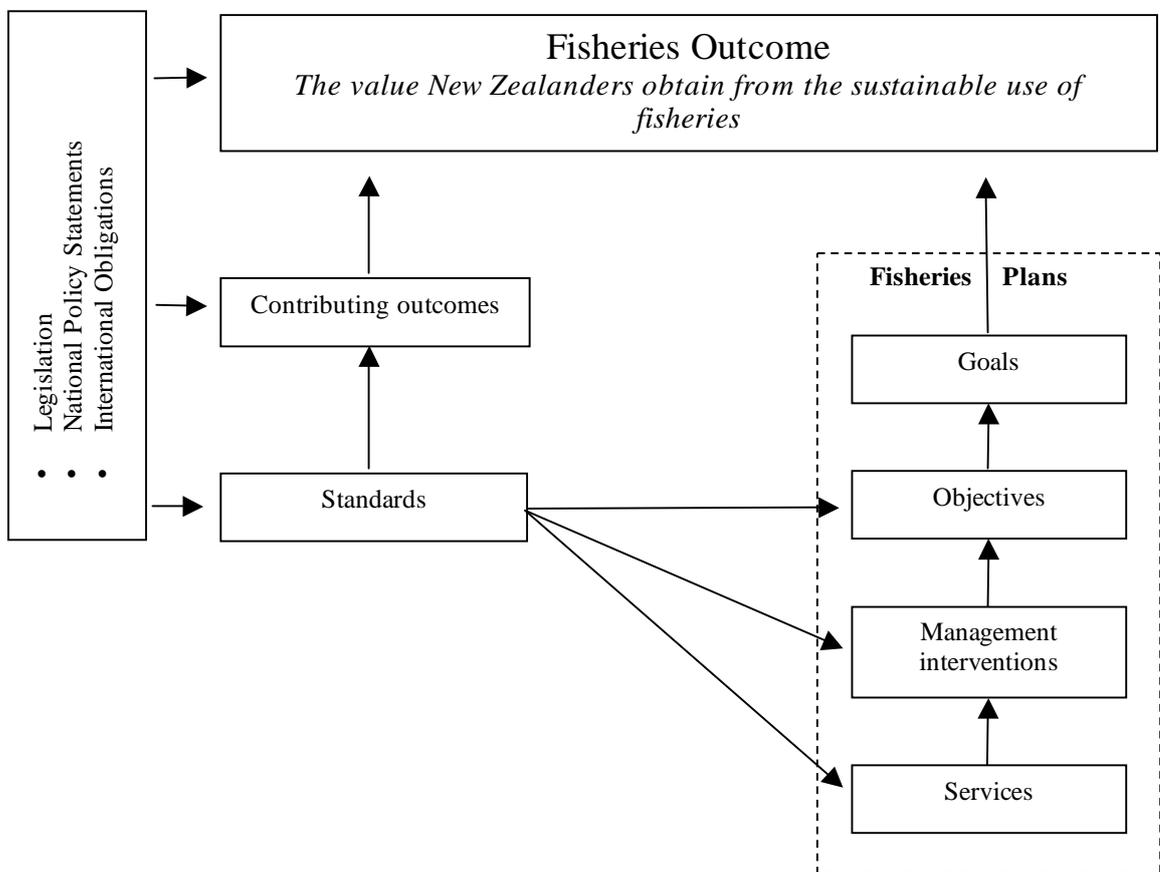
##### *Overview*

- 3 At its simplest, objectives-based fisheries management is being clear about what we want to achieve through management (the objectives) and designing management of a fishery to meet those objectives.
- 4 Managing a fishery to achieve clearly defined objectives has advantages over other approaches, including:
  - increased transparency in how and why fisheries are managed

- improved tangata whenua and stakeholder understanding, input and buy-in to the process of fisheries management
- easier decision-making
- a stronger link between objectives and management by better integrating science, policy, compliance, and other services
- increased confidence that government obligations will be met and the benefits obtained by stakeholders and tangata whenua maximised.

5 The different components of the objectives-based management approach are shown in Figure 1 and described in the following sections.

Figure 1



### Outcomes

6 The broad range of fisheries resources and the aspirations of different stakeholders and tangata whenua mean that a consistent approach is required if management is to be effective. The Ministry has decided to use a hierarchy of outcomes to provide the necessary consistency. This approach also meets the government requirement that government departments use outcomes and contributing outcomes to describe the high level results to which their activities are directed.

- 7 Outcomes are used to describe what the Ministry believes is required to meet the Government’s fisheries-related obligations. These obligations come from a number of sources including legislation, national policy statements, and international obligations.
- 8 Outcomes will generally be used where the desired results are of broad scope, and often over the long-term. Outcomes describe the desired result of management at a national or general level and are not specific to fish stocks or to specific fisheries managers or fishers.
- 9 At the highest level, the Ministry has adopted a single outcome towards which all fisheries management efforts are directed:

*The value New Zealanders obtain from the sustainable use of fisheries and protection of the aquatic environment is maximised.*

In this single outcome, value includes the full range of values obtained by tangata whenua and stakeholders from fisheries and the interaction of fisheries with the aquatic environment.

- 10 This single outcome is described in more detail through the three contributing outcomes that have been adopted by the Ministry:
- *The health of the aquatic environment is protected*
  - *People are able to realise best value from the sustainable and efficient use of fisheries*
  - *Credible fisheries management*
- 11 These three contributing outcomes will be further described by a series of increasingly specific levels of outcomes. For example, the contributing outcome, “The health of the aquatic environment is protected”, can be further specified as outcomes that relate to:
- Impacts of fishing on the benthic environment
  - Impacts of fishing on non-target fish species
  - Impacts on fishing on certain non-fish species
  - Impacts of fishing on marine ecosystems

Each of these outcomes can in turn be specified in further detail.

- 12 This hierarchy of outcomes describes what needs to be achieved if the overall fisheries outcome is to be attained. The number of levels of outcomes is not fixed. The lowest level of outcome will become a standard that can be applied and monitored.

### **Standards**

- 13 A standard describes the minimum performance considered necessary for fishery outcomes to be achieved. Over time, standards will be developed to describe required

results across all necessary facets of fisheries management. Standards will generally be used to describe the required management results applicable to specific fisheries or other management units.

14 Standards are described in more detail later in this paper.

### *Fisheries plans*

15 Fisheries plans are the main planning tool that will be used to implement objectives-based management for specific fisheries. The primary purpose of a fisheries plan is to set out clear linkages between the objectives set for a fishery and the interventions and services used to achieve those objectives.

16 The Ministry intends initially to develop around 26 fisheries plans covering New Zealand's fisheries. Over time, these plans will be the primary mechanism for the Ministry, tangata whenua and stakeholders to collaborate on the management of fisheries. Each fisheries plan will cover a number of fisheries grouped primarily on the basis of similar species and/or geographic areas. Each fisheries plan will cover the activities of all sectors involved in the relevant fisheries. Each plan will contain the elements outlined below.

- **Goals** are statements of how tangata whenua and stakeholders can obtain best value from a fishery. Examples include maximising long-term economic return, and maximising the catch rate for the recreational sector. Goals are aspirational in nature and cannot all be achieved simultaneously in a particular fishery. Goals are deliberately high level, and are not used to determine actions – instead, they establish the broad direction.
- **Objectives** are specific management results designed to achieve goals while meeting relevant standards. Objectives must all be able to be achieved simultaneously, so trade-offs between goals are required when determining objectives for a particular fishery. Objectives provide the basis for interventions, management measures, services, and monitoring.
- **Management measures** are the rules that are implemented to meet objectives. Each objective has a series of measures, grouped together as a **strategy**. Therefore, one objective may revolve around managing impacts on marine mammals; the plan will have a strategy that includes all measures to be implemented to meet the objective. These may include research projects, regulations, code of practice, and decision rules etc.
- **Services** are those things that must occur to implement the measure (e.g. staff time may be required to develop a code of practice; training for fisheries officers, analysis of results, etc.)
- **Monitoring** is the reporting approach implemented in a fishery to ensure measures are carried out and objectives are being met. Each fisheries plan will need to be specific about how performance against standards will be monitored. To return to the marine mammal impact example, the plan may monitor to ensure that a code of practice is developed and implemented, and that it is leading to the attainment of the objective.

- 17 Fisheries plans must contain objectives and measures relating to the Fisheries Act. Stakeholders may choose to include other goals, objectives and measures, but these will not be assessed against standards by MFish.

## **Fisheries standards**

### ***What is a fisheries standard?***

- 18 Standards are a critical part of the objectives-based fisheries management framework. The main purpose of standards is to establish clear, specific, measurable statements of results required to achieve the outcomes. Standards fulfil three main functions:
- Guidance – Standards provide guidance to fisheries managers and tangata whenua and stakeholders on the Government’s expectations for the minimum level of performance expected from a fishery and the processes used to manage fisheries.
  - Consistency – Different managers make similar types of decisions across a range of fisheries. In some situations, achieving an outcome will require a consistent approach across different fisheries. In these circumstances, standards help ensure a consistent approach.
  - Monitoring – Standards describe a required result in a manner that enables it to be monitored. Standards therefore provide a useful means of reporting on fisheries management performance. This enables both Government and stakeholders to track the performance of management strategies.
- 19 Standards set out minimum levels of performance expected from a fishery. They do not preclude managers aiming for a higher standard.
- 20 Standards may be set for ecosystems and fisheries, as well as for management activities. Over time, standards will cover all the necessary components of management required to ensure that fisheries outcomes are met. The current list of standards in development is provided in Annex I.
- 21 Standards may be expressed as:
- a qualitative description, or
  - a number, or
  - criteria to determine how a numerical value will be arrived at.

Two types of standards will be developed: process standards and performance standards.

### ***Process Standards***

- 22 Process standards are being developed because sound, consistent administration is an integral part of achieving objectives. They will define the quality of administrative

performance that must be achieved in a fisheries plan including requirements for planning, implementing, monitoring and reviewing objectives.

- 23 Process standards will primarily define the minimum acceptable for processes to achieve desired outcomes around the contributing outcome of credible fisheries management. Most of these processes are not constrained by the Fisheries Act 1996, although many are required to meet administrative law requirements. Therefore, there is flexibility to use alternative approaches that would meet the desired outcomes. When considering whether an alternative approach is appropriate, the Ministry will consider the costs and benefits of applying the standard and the proposed alternative, and the impact on other related standards.
- 24 Examples of process standards are those relating to consultation undertaken by the Minister to meet requirements of s12 of the Fisheries Act 1996, and those relating to provision for input and participation by tangata whenua.
- 25 Process standards may have performance measures, for example, a consultation standard will define a minimum period of consultation.

### *Performance standards*

- 26 Performance standards set the minimum levels of performance in respect of specified components of ecosystems such as fish stock size and habitat structure, and the use of fisheries resources, including allocation between fisheries sectors.
- 27 For example, a standard for sealions may set an acceptable limit on incidental catch, based on the impact that fishing is having on the sustainability of the sea lion population, with allowances made for uncertainty in the available information and for societal values.

### ***Development and use of standards***

- 28 Development of standards will involve two key elements:
- identifying the key factors necessary to achieve outcomes, and
  - determining the necessary levels of performance that must be achieved in relation to that factor.
- 29 Standards can be set at different levels of specificity. Determining the appropriate level is a matter of judgement involving a balance between controlling the risk of not achieving an outcome, and retaining an appropriate degree of manager discretion.
- 30 Most initial standards will reflect existing ways of mitigating risk and levels of Government intervention. However, it is possible that, in the process of developing a standard, the existing levels of intervention and risk mitigation may be considered inadequate (not managing risk sufficiently) or too restrictive (and thus imposing unnecessary restriction). In such cases, the initial standard may differ from existing levels.

- 31 The use of standards will be reviewed periodically to ensure they are at an appropriate level of detail and are only as restrictive as is necessary to reflect changes in legislation, outcomes and other relevant elements of the policy framework. However, where a standard is defined by statutory requirements, the standard cannot be changed without legislative change.
- 32 It is important to emphasise that standards:
- will evolve over time;
  - in most cases, will not fetter the Minister of Fisheries' discretion; and
  - are not a legislative requirement, but will carry legal weight in the sense that they are designed to ensure legislative obligations are met. Where standards are closely related to legislative obligations there may be little discretion to fail to meet them without running risks of illegality.
- 33 Standards usually will not fetter the Minister, but they will provide a means to ensure consistency in MFish advice to the Minister. Ministers will need to give reasons for decisions resulting in management of fisheries that does not meet standards.
- 34 A fishery may not initially meet the specified standard. Decisions on acceptable timeframes for fisheries to meet a standard will take account of a number of factors. These include an assessment of the gap between the current and desired performance of the fishery, available resources, and the impact of application of the standard on how long it should take for the standard to be met by the fishery. Government will need to consider the acceptable timeframe for the standard to be met.
- 35 The process for developing standards will generally involve the following steps:
- Scoping
  - Information gathering
  - Drafting
  - Consultation
  - Redraft
  - Ministerial approval
- 36 For some standards, the development process has been truncated because of the need to develop initial standards rapidly. However, wherever possible, tangata whenua and stakeholders will be given sufficient time to consider and provide input into standards.

### ***Monitoring/Assessment***

- 37 Monitoring and review of performance is increasingly important across government activities and in fisheries management. Monitoring within objective based management approach will be undertaken at different levels:
- Standards will be monitored to assess whether they achieve outcomes (Government)

- Objectives will be monitored to assess whether they achieve standards (Government)
- Measures will be monitored to assess whether they achieve objectives (fisheries manager)

38 The Government’s core monitoring responsibility in relation to fisheries plans is to ensure that standards will be met. This will primarily involve assessing whether the objectives in a fisheries plan cover all relevant standards and that the strategy for achieving the objectives is robust. Fisheries managers will be responsible for monitoring management against objectives to ensure that objectives are being met.

## Annex I: Standards currently under development

Standard	Description of standard
Benthic impact	The Benthic Impacts Strategy sets out the process for developing standards that, when met, will avoid future adverse effects and remedy or mitigate any past or present adverse effects of fishing on the benthic environment.
Seabird	The seabird standard outlines how MFish will set and monitor acceptable limits of the effects of fishing on seabirds.
Hectors / Maui dolphins	Defines an acceptable level of fishing related impact on Hectors and Maui dolphins
Shark	Based on a National Plan of Action shark
Sealion	The sealion standard outlines how MFish will set and monitor acceptable limits of the effects of fishing on sea lions.
Consultation	This standard and process sets out how MFish will meet the Minister of Fisheries’ obligations under s 12 of the Fisheries Act 1996 (the 1996 Act) to consult with stakeholders before making decisions relating to a range of fisheries management issues, and our obligations to consult on other decisions requiring consultation with stakeholders under the 1996 Act.
Input and participation of tangata whenua	The input and participation standard sets out how MFish will meet the Minister of Fisheries’ obligations under the Fisheries Act 1996 Act to provide for the input and participation of tangata whenua, having particular regard to the exercise of kaitiakitanga.

Harvest strategy	The harvest strategy stock standard defines considerations and processes for setting a TAC consistent with section 13 of the Act. The initial focus will be to set standards that apply to QMS stocks.
Deemed value	<ul style="list-style-type: none"> <li>This standard sets how MFish will meet the Ministers obligations under s75 of the Fisheries Act to set annual and interim deemed values for all stocks in the QMS.</li> </ul>
Governance and representation	Defines structural and process requirements for stakeholder organizations engaged in the management of fisheries, including the development and delivery of fisheries plans.
Purchase	Defines process required for an organization (which satisfies the governance and representation standard) to purchase services.
Service delivery	Defines acceptable standard of delivery for any service required by a fisheries plan
Non-QMS	Defines an acceptable level of monitoring and management of non-QMS stocks
Reporting	Defines reporting requirements for fisheries
Allocation	Defines a shared fishery and the process for allocation of TAC between sectors in shared fisheries
Analysis and assessment of management options	Defines the process for analyzing and assessing management options proposed during fisheries plan development
Environmental impact assessment	Defines the process to assess proposed management against environmental standards.
Information brief	Defines information requirements for the development, assessment and delivery of fisheries management options .
Risk analysis standard	Defines the risk analysis process to conform to AS/NZS 4360:2004

