

option4 Update #149

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More at stake than just a fishing license

Many passionate fishers are opposed to paying a saltwater fishing license, yet a compulsory charge is inevitable if a statutory body to represent recreational fishers is established.

A license fee would have a disproportionate effect on those fishing to feed their family, but this is small change compared to the risks associated with:

- Amending legislation, risking further constraints to our existing recreational fishing right;
- Losing the clarification of our rights and Ministerial discretion gained from the Kahawai Legal Challenge;
- The loss of the public's right to fish freely, at any time and place without prior permission;
- A bureaucracy empowered to 'manage' recreational fishers and trade rights; and
- Replacing the recreational allowance with a quota.

Risks of legislative amendment

Establishing a statutory body for recreational interests will require amendments to the Fisheries Act. This opens the door to political parties, the Ministry of Fisheries, customary, environmental and commercial interests to apply political pressure for changes that suit their objectives.

Is the existing recreational lobby strong enough to secure our interests against such stiff competition?

Do you think the public's access to fish will survive the challenge to curtail this freedom?

What price will Treasury demand to hand over the right to tax fishermen?

One argument for establishing a statutory body is that recreational fishers are not influential enough in decision-making processes. If, as argued, we are so weak at effecting change exposing legislation to amendment and then trying to compete with a myriad of interests to achieve a favourable outcome is extremely risky and unlikely to succeed.

Kahawai Challenge success

In 2009 the Supreme Court delivered a favourable interpretation of the Fisheries Act in its Kahawai decision. A year later the fisheries Minister decided to allow kahawai stocks to continue rebuilding, primarily to better meet the needs of non-commercial fishers. Notably industry did not contest those decisions.

Amendment to key areas of the legislation would nullify any advantages gained because the Court's judgment only applies to the current wording in the Act.

Collectively our next challenge is to find effective strategies to exert political pressure on the fisheries Minister to ensure he continues to 'allow for' our recreational fishing interests.

Public right to fish

As natural resources are increasingly privatised it is imperative we protect access to our fisheries. Around 20 percent of Kiwis regularly exercise their right to fish. Others fish occasionally or not at all. The right to fish for free is a special and increasingly unique aspect of our Kiwi culture.

If a statutory body and compulsory charging is established this public right to fish will be extinguished and exchanged for a right limited to those people who have paid their fees.

Already there is discussion about mandatory reporting and exemptions for children, Maori, the elderly, and even a day licence for irregular fishers. All are a poor exchange for our current public right of access to a reasonable daily bag limit.

The price of statutory authority

No government is going to surrender its authority to tax the people and grant that right to a statutory body without furthering their objectives in return. Privatisation of New Zealand's fisheries and reducing political influence over management decisions are both prized outcomes.

Complete privatisation where all of the Total Allowable Catch (TAC) is a tradable property right would suit Treasury, policy makers, economists, MFish and commercial quota shareholders. All would welcome a recreational quota tagged with specific trading conditions.

But most benefits accrue to the Minister, because it is inevitable that licence fees will be used to "manage" recreational fishers, closely monitor their catch and pay for ongoing research – current Ministerial duties.

Privatisation would enable the Minister to sidestep his public responsibilities and instead set the rules and watch the ensuing carnage from the sideline.

Earlier reform attempts were thwarted because the public protested against constraints on recreational catch and having their interests tightly defined within the quota management system.

Little has changed.

It is not in the public's wider interests to have a statutory body negotiating management "solutions" using recreational fishing rights and access as currency. These aspects are not for sale.

Reducing political influence over management decisions by diminishing the Minister's discretion to 'allow for' the public's non-commercial fishing interests would represent the biggest loss; because it is this influence and discretion that protects the public's interests.

Realistically, no government is going to authorise any interest group to gather taxes and then use those funds to lobby Parliament, hold the Minister accountable and make life more difficult for them.

Growing public catch and values

Public catches must be able to grow within the Total Allowable Catch (TAC) as population increases and values change.

Current legislation obliges the Minister to provide sufficient fish to meet our social, economic and cultural wellbeing. Firstly he sets a sustainable TAC, he then makes an allowance for customary and recreational fishing interests, depending on our needs. Finally he sets the Total Allowable Commercial Catch (TACC).

TACC quota holders have long-sought to have certainty around allocation, achieved by fitting recreational interests into a defined share of the fishery. That is, setting an allocation as opposed to having an allowance. So when overall catch levels are increased or decreased both allocations would be adjusted by the same proportion.

Proportional allocation is inherently unfair because it:

- is contrary to the promised preference statements made at the introduction of the quota system;
- ignores recreational conservation efforts; and
- is clearly designed to cap communal catch and reduce individual entitlement as the population grows.

On balance, the foreseeable cost of establishing a statutory body for recreational fishing interests is too expensive when compared to the current right of all New Zealanders to fish within sustainable limits for free, unencumbered by mandatory reporting, licenses or quota.

In time we will come to realise how valuable these inherited rights and freedoms are. Now our primary duty is to protect and pass this legacy onto those who follow.

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