

Section 7

Redress following adjustments in allocations or access

This applies only to the commercial sector.

It has been made clear that the proposals including in the Shared Fisheries discussion paper may result in the 're-allocation' of fish from commercial fishers to recreational fishers and vice versa.

This section suggests the Government paying commercial fishers compensation for those changes if their quota is reduced, but makes no mention of compensating recreational interests if their allowances are reduced.

It is obvious, that the Government will not be making its decisions purely on the recommendations derived from these proposals, because it will have the option, as stated in the Cabinet paper, of doing nothing if the cost of compensation is too high.

Because only commercial fishers are entitled to compensation this will mean decisions are likely to go against recreational fishers more often than not.

It is an unfair basis upon which to make decisions.

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If the Government proposed changes to allocations or access, any significant costs that would be imposed on the commercial sector could be assessed and the need for redress considered.

The options proposed are:

Option A: Leave redress with the courts

This represents the status quo. Potential for redress for the effects of allocation decisions would remain with the courts, if and when claims were made. If there was a need for significant adjustments involving reallocation from the commercial to the amateur sector, claims for redress would be likely, with associated costs and antagonism.

Option B: Provide a specific process for consideration of redress to the commercial sector

A process would be developed to consider redress for significant costs faced by the commercial sector for particular classes of adjustments such as:

- Transitional adjustments associated with re-setting baseline allocations for the amateur and commercial sectors.
- Steps to recognise the interests of the amateur sector, such as setting revised stock targets with higher availability but lower yield of fish, or setting the Total Allowable Catch to achieve faster rebuild of depleted stocks.
- Future adjustments to redistribute take or access between the amateur and commercial sectors, such as value-based changes to the Total Allowable

Catch or geographical exclusions.

The process under this option would assess both the costs and benefits of changes in allocations. It would also consider whether the costs were significant and warranted redress by the Government. This analysis would be included in advice to decision-makers on changes to allocations. Subsequent allocation decisions would take these issues into account. Decision options might include payment of redress, or leaving this to the courts to consider. [81]

Footnote introduction

see Kahawai submissions for discussion on compensation – both commercial fishers and amateur fisher’s perspectives

[81] In the absence of a compensation fund of known proportions, what certainty is there that the Government has put enough aside to be able to afford the solutions proposed in this document?

Will there be more than one compensation fund, namely, one for buying quota and one for buying a fisheries area?