

# **A Preliminary View on the Ministry of Fisheries Shared Fisheries discussion paper**

Released on 15/12/2006 for feedback, input and participation

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## **Introduction**

### **“Shared Fisheries” Will Affect All Non-Commercial Fishers**

The Government is currently consulting on wide ranging and fundamental changes to the way non-commercial fisheries, both customary and recreational are managed.

The changes proposed by MFish for discussion could include the removal of the present **common law right of New Zealanders** to catch fish that is not for sale recognised, allowed for and protected by the Fisheries Act 1996 (FA), and subject to regulations under that Act, and replaced by MFish’s so-called ‘basic right’, a creature of statute which would include a ‘baseline allocation’ for recreational fishers coupled with the ‘basic right’ being suggested by MFish as 20% of the ‘baseline allocation’.

What this means and how this might work is discussed later in this Preliminary View. In the meantime, whichever way it goes, everyone who tosses a line in the brine will be affected by the outcome.

To the uninformed it appears the Shared Fisheries public discussion document (released by MFish on October 25<sup>th</sup> 2006) suggests it is recreational fishing that is the problem with the present lack of availability of fish for non-commercial fishers, both customary and recreational fishers.

The part commercial fishers have played in the lack of availability of fish in many inshore stocks is not mentioned in the discussion paper. Moreover the discussion paper fails to properly explain the repercussions that will flow from the proposed changes.

To assist non-commercial fishers we have had a team of experts review the Shared Fisheries document, and form a Preliminary View to assist recreational fishers understand what the proposals in the discussion paper really mean and to enable non-commercial fishers make an informed contribution to MFish’s shared fisheries conversation. Your views and input will then be used to assist in compiling a submission that all are welcome to endorse or use as another view to assist you with your own submissions.

### **"The People's Submission"**

The Preliminary View document includes the MFish Shared Fisheries public discussion document in its original form with the footnotes representing our initial analysis and comments. We are working hard to ensure as many people as possible read it in its entirety - quite contrary to MFish’s view expressed in their article in the December Fishing News where they stated *“There are those who will tell you that you don’t need to read it because they’ve already done that and decided what you should think – we think you should ask yourself for a second opinion”*

We believe the MFish discussion paper demonstrates a misunderstanding of and omits to address the main issues non-commercial fishers face. For example, in contrast to the thorough process being applied by non-commercial fishing representatives please note that, apart from a handful of answers to “Frequently Asked Questions”, there are

no reference resources being made available by MFish for further background reading on any of these policy proposals. The only other reference point is the Cabinet Paper (December 2005).

Our document "Shared Fisheries – A Preliminary View" can be found on [www.option4.co.nz/sharedfisheries/preliminaryview.htm](http://www.option4.co.nz/sharedfisheries/preliminaryview.htm) Please go there to find out what is happening and to have input into "The People's Submission."

### **Compiling "The People's Submission"**

We have not undertaken the task of compiling "The People's Submission" lightly, and are committed to the best possible process within the MFish imposed time constraints. Non-commercial fishers need not be fisheries managers or fisheries scientists to provide meaningful input.

Developing the Preliminary View document has been a crucial first step and generated much thought provoking debate already. We are confident this debate can only be enriched by your input and participation. Be assured that the submission will address the main issues recreational fishers have complained of for decades.

The compilation of the first draft of "The People's Submission" is being undertaken right through the Christmas and New Year holiday period with a goal to produce a 1<sup>st</sup> draft for your review **by January 22<sup>nd</sup>**.

This allows one and a half weeks for further input and polish before **"The People's Submission" is released on 1<sup>st</sup> February.**

"The People's Submission" will not be limited to only responding to MFish's proposals and options contained in the discussion paper. It is intended that the submission will contain positive, constructive, affordable and achievable solutions to the issues of the proper management of the fisheries in our harbours, estuaries and coastal waters, much of which can already be achieved under our present fisheries laws as it is currently written and without removing the present.

The release of "The People's Submission" will be accompanied by a booklet designed to help people more fully understand what is at stake. The booklet will include the submission itself, an index of appendices referenced in the submission (all of which will be available on the web site), and a summary of the process that was adopted/followed to generate the submission. In addition there will be pages for "champions" to encourage their friends and family to sign their support and endorsement.

Commencing in February a series of public meetings, hui and club meetings will be organised to present "The People's Submission", answer questions and, hopefully, earn your support and endorsement of "The People's Submission" result of excellent transparent process designed to capture and incorporate as many viewpoints as possible. This follows our practice and process since 2000 when the MFish "Soundings" discussion paper was released to public consultation.

With your support we aim to set a new benchmark in public consultation with a thoroughly researched and balanced submission endorsed by New Zealand non-

commercial fishers committed to both enhancing and improving our coastal fisheries and marine environment – ‘more fish in the water’ - and protecting their right to fish.

### **Kahawai Legal Challenge**

MFish’s Shared Fisheries discussion paper proposes a change in how the Fisheries Act ‘allows for’ recreational fishing. The Kahawai Legal Challenge is an application for judicial review to overturn the Minister’s decision in relation to the way the Minister ‘allowed for’ non-commercial fishers when he set the total allowable commercial catch (TACC) for kahawai, and in doing so obtain directions from the Court on just how current law should work.

It is disappointing that the Government has decided to go ahead with the Shared Fisheries process before this very important decision is delivered. It makes sense to wait and find out first, then ‘if it ain’t broke, don’t fix it.’

**STOP PRESS** – The Kahawai Legal Challenge court hearing was finally concluded on Monday 11<sup>th</sup> December. Mr Justice Harrison reserved his decision and committed to doing his best to deliver his judgment in February 2007. This is much appreciated.

### **Who are we?**

The principal authors of this Preliminary View are (in alphabetical order)

- Richard Baker – Vice President New Zealand Big Game Fishing Council (NZBGFC), Hokianga Accord contributor
- Paul Barnes – option4 project team leader, Hokianga Accord contributor
- John Chibnall – life member of both New Zealand Big Game Fishing Council and New Zealand Recreational Fishing Council, Hokianga Accord contributor
- Bruce Galloway – legal advisor to option4 and the Hokianga Accord
- Naida Glavish – Chairperson of Te Runanga o Ngati Whatua, Hokianga Accord contributor
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- Scott Macindoe – option4 spokesperson and Hokianga Accord contributor
- Trish Rea – coordinator, analyst and researcher for both option4 and Hokianga Accord
- Jeff Romerill – President of New Zealand Big Game Fishing Council, option4 spokesperson and Hokianga Accord contributor
- Sonny Tau - Chairman of both Te Runanga A Iwi O Ngapuhi and the Hokianga Accord
- Kim Walshe – fisheries management advisor to option4, Hokianga Accord and NZBGFC - member of the Recreational Fisheries Ministerial Advisory Committee

Please, go to the [www.option4.co.nz](http://www.option4.co.nz) website, read the Preliminary View and offer your input and/or encouragement.

### **Key process milestones for "The People's Submission"**

- 25/10/06 MFish and Cabinet launch their Shared Fisheries public discussion document with a four month public consultation process including the Xmas/New Year holiday period.
- 6/11/06 Kahawai Legal Challenge hearing in the Auckland High Court – incomplete due to the judge falling ill.
- 11/12/06 Conclusion of the Kahawai Legal Challenge Court hearing
- 14/12/06 Release of the “Preliminary View” – an analysis and critique of the MFish policy proposals containing initial questions and comments to indicate implications and consequences of policies being proposed. This document will seek input from a large number of people representing non-commercial fishers, commercial fishers, tangata whenua, environmental and conservation organisations.
- 22/1/07 Release of the first draft of “The Peoples Submission” including some/most of its supporting appendices – this step in our process seeks feedback and endorsement from the people contributing to the development of the response to the MFish proposals.
- 1/2/07 Release of “The Peoples Submission” and its supporting appendices  
Launch date of the 90 day “peoples” public awareness and understanding campaign – the goal of the next 90 days is to have as many people as possible gain insight and understanding of what is being proposed. Endorsement and support for “The Peoples Submission” will be sought from as wide a range of interests as possible. Public meetings, hui and advertising campaigns will be organised and attended as resources allow.
- February Public meetings, hui and club meetings.  
Receive Judgment for the Kahawai Legal Challenge
- 28/2/07 Final date for the MFish public consultation process.  
“The Peoples Submission” will be given to MFish
- 31/3/07 Updated summary of endorsement and support for “The Peoples Submission” to be delivered to MFish.
- 31/4/07 Final date for public meeting/hui of the "The People's Submission" people's public awareness and understanding campaign.