

Fisheries 2030 Policy – MFish Update

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Introduction

John has recently been employed by the Ministry of Fisheries (MFish) to manage the office of Wayne McNee, the Chief Executive. He and Ben Dalton are members of the Ministry's Senior Leadership Team (SLT). He has a legal background and was very keen to enlighten the hui on recent progress with the Fisheries 2030 project.

John acknowledged there were many people at the hui that have been involved in earlier discussions about the 2030 project. Several had attended a multi-stakeholder meeting in February to develop aspects of the programme. A report from the Hokianga Accord's attendees at that meeting was available at the hui and online at http://www.option4.co.nz/Fisheries_Mgmt/2030.htm.

Fisheries 2030 was a policy to guide all MFish activities, how and what they deliver as an organisation. The Minister of Fisheries, Phil Heatley, and his Cabinet colleagues have approved the 2030 policy, its goals and outcomes. The Minister now expects the Ministry's activities to be geared towards achieving 2030. If their activities do not relate to 2030 then they need to explain why they are doing it.

"We [MFish] need to be really clear with the people we are dealing with, about, [look], if you are asking us to do something that's not in Fisheries 2030, it's not to say it's impossible, but it's a wee bit of a hurdle."

John was very aware from the earlier consultation processes that not all people agree with the final Fisheries 2030 document. However, *"this is the way of documents that go through a consultation process. We've still got it and this is what we are trying to deliver"*.

John welcomed comments from the hui during his presentation. He went on to explain, using a PowerPoint presentation², that the 2030 policy was based on a single goal of *New Zealanders maximising benefits from the use of fisheries within environmental limits*.

This goal is supported by use and environment outcomes, which reflect the fundamentals of the Fisheries Act 1996. These outcomes are also reinforced by governance conditions.

Now that the outcomes have been clarified MFish were initiating a process to develop 'Indicators' that would enable them to measure whether they were making progress towards achieving the outcomes, and ultimately the goal.

Several factors would influence the final choice of indicators. Indicators will need to be capable of measuring progress i.e. indicators need to be a good guide. MFish also need to consider the costs involved. For example, a statistically reliable recreational fishers' satisfaction survey costs millions of dollars. MFish may need to make trade-offs in terms of what they can deliver and what are the best indicators.

MFish want to ensure they can monitor their progress towards achieving the outcomes sought. Work on the indicators initially occurred at MFish headquarters. A meeting with stakeholders was held in February, more MFish effort was applied afterwards, and shortly there will be a formal consultation process on relevant indicators. Following that a panel of experts will assist in the development of the indicators, which will be improved in future years, as necessary.

Hui comment – 2030 public consultation

Around two years ago Te Runanga-a-Iwi o Ngati Kahu was sent a copy of the draft Fisheries 2030 document. Te Runanga considered the draft in detail, because of the implications for tangata whenua, and

² Update on Fisheries 2030, and monitoring sector performance, Ministry of Fisheries, John Beaglehole, 22 April 2010.
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submitted its feedback to MFish. Now, after several years of silence from MFish, the final policy was being presented and people were being asked for their views on the finer points.

It was not right that tangata whenua and the public were being asked for their views and then totally bypassed when it comes to the finalisation of this or any other policy.

MFish response

John could not comment on what happened to the earlier submissions, but tried to explain his understanding of how things had developed. An initial draft would have been developed by MFish, approved by the Minister and distributed for public consultation. Any submissions would have been considered by the Ministry and advised to the Minister before his and the Cabinet's final approval.

Hui comment

It was notable and inadequate that, after all the effort made by many people, there were only fourteen words difference between the draft 2030 action plan and the plan included in the final 2030 policy.

A summary of the process had been written for the non-commercial environmental and fisheries Alliance. (Appendix One) That was distributed in September 2009 and is online at

http://www.option4.co.nz/Fisheries_Mgmt/documents/2030_Summary_of_final_MFish_strategy.pdf.

MFish comment – public consultation

John was asked to clarify the government's understanding of 'consultation'. He advised, "*consultation is, 'I've got an idea about where I want to go, but I am interested in knowing what your thoughts are about it'*".

He went onto emphasise that ideas within Ministries do change even though it may not be apparent and interested parties may feel their submissions are not taken into account. Ultimately it is the Minister's decision if changes are necessary.

"Consultation isn't going in to say[ing], hey look I've got a completely open mind and I would like you guys to tell me where I want to go. It's saying, here's some thoughts I've got, tell me about what you reckon."

Draft indicators

John welcomed feedback as he went through the draft indicators for the environment, recreational and customary interests, and commercial fishing.

Immediate feedback was that the 2030 policy, the outcomes and even the draft indicators were so broad and, without taking an ecosystem management approach, they were meaningless, not measurable and just frothy words for no definitive outcome.

Draft environmental indicator

John presented a draft indicator to achieve the 2030 environment outcome: *Biodiversity and the function of ecological systems, including trophic linkages, are conserved.*

This description sparked some mirth, and an observation that it was unfortunate that MFish has failed to recognise or use any of the many Maori words available to describe the inter-connectedness in the natural environment. Instead, MFish has chosen to use language that is both complex and meaningless.

John was then asked to explain, in simple terms, how the draft environmental indicator would make any management difference to, not just the current Crest Energy proposal to install turbines in the ecologically sensitive Kaipara Harbour, but for environmental threats in any part of the country.

Follow-up - John did not know the details of the Kaipara proposal nor what the Ministry's response had been, so he was not willing to make up a statement at the hui. He did offer to reply to the hui at a later date with further details about the Kaipara proposal.

MFish priorities

The Fisheries Act 1996 required the Minister to balance the use and environmental factors associated with fisheries management. There has already been vigorous debate about the 2030 details from all interest groups so that was an indication to MFish that this policy “*does matter*”.

MFish will be expected to report on their performance, as measured against the 2030 outcomes, so they will be using the indicators as both a guide and a measure. In their view 2030 was not meaningless.

Hui Discussion

Fisheries Act requirements

The Minister of Fisheries was legally obliged to fulfil the Purpose and Principles of the Fisheries Act 1996 (the Act), which encompasses sustainability, environmental protection and utilisation, while providing for people’s social, economic and cultural wellbeing. There did not seem to be anything new in the 2030 policy that was not already in the Act.

John advised the first set of indicators would be developed this year and improved over time, as necessary. These indicators would be used as a ‘score-card’ to measure MFish performance.

Questions were raised as to what action MFish would take if it was found in later years that the 2030 outcomes and indicators were not being met. An example could be that the turbines in the Kaipara were having an adverse effect on the Harbour’s biodiversity.

John would not be drawn into making binding statements about future Ministry action regarding the environmental outcomes or specifics such as the Kaipara situation.

He was keen to move onto discussing the range of draft indicators designed to achieve outcomes for recreational, customary and commercial fishing interests.

John mentioned the Minister’s announcement made a day prior to the hui that there was going to be a national, recreational harvest survey. This would measure how many people were fishing, how often and their catch.

Ben Dalton would talk later in the hui about Iwi Fisheries Plans, but successful development of plans and numbers of tangata tiaki/kaitiaki [guardians] would be an indicator of how well MFish was delivering for customary interests.

Non-commercial interests

Lively debate followed as to what MFish’s definition of ‘customary’ fishing was. John clarified customary was fishing for no commercial gain or trade. It did not include the quota associated with the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. The law does allow commercial vessels to be used when harvesting for a ‘customary’ purpose, using a permit.

Legally, any non-commercial fishing without a permit is categorised as ‘recreational’. However, the fish caught and smoked prior to the hui was taken by recreational fishers, but for a customary purpose.

Tikanga Maori [practice] was to harvest food to feed manuhiri [visitors]. Often this food is gathered without a formal permit, but under the guidance of a kaumatua.

It was clarified for John that the ongoing concern is that MFish do not understand the broad nature of customary *interests* in a fishery, and may in the future set a customary allowance based solely on the amount of fish taken and recorded on permits.

Similar fears are held for recreational interests, in that the Ministry may set allowances based solely on what they estimate is actually taken, rather than following the Fisheries Act.

The Act stipulates the Minister *must* 'allow for' all non-commercial *interests*, both customary and recreational.

Customary regulations

There were serious misgivings about the current customary regulations. In practical terms the law was in conflict with Maori lore [traditions]. Both the Fisheries (Kaimoana Customary Fishing) Regulations 1998 and Regulation 27 needed to be reviewed, to better reflect customary *interests*.

John emphasised that some form of control was needed to combat illegal fishing, to ensure the ongoing viability of fisheries. Poaching was a major issue in many areas of the country.

In response, it was noted that permits were not a control mechanism. Control stems from having people believing in the integrity of the system and complying with tikanga/practices and directions from the people who understood the dynamics of the local fisheries.

Definition of fisheries

Throughout the 2030 process MFish refer to thriving customary, amateur and commercial fisheries. Separate fisheries do not exist, with the exception of Toheroa, the single customary fishery.

In reality there are fisheries that all New Zealanders participate or have an interest in. Those fisheries need to be abundant to enable people to provide for their social, economic and cultural wellbeing. Only the Minister can provide for that abundance as prescribed by the Fisheries Act 1996.

Allocations versus allowances

In response to John's comments about the Minister's role to allocate fisheries, it was clarified that section 21 of the Act directs the Minister of Fisheries to 'allow for' non-commercial fishing interests, both customary and recreational, before an allocation is made for commercial interests. There is no 'allocation' for non-commercial interests.

The allowance made by the Minister must take into account *all* New Zealanders' interests, not just what is harvested. Those interests include environmental, social and cultural factors. Many inshore fisheries are below acceptable levels and require "more fish in the water/kia maha atu nga ika ki roto i te wai" to enable people to provide for their well-being.