

Hokianga Accord Update #10

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Improving legislation to achieve more fish in the water

How many times have you heard people say, “Fishing is not as good as it used to be?”

Most of the time they are right and you have to wonder why, when we have a ‘world-leading quota management system’ and a Fisheries Act with a clearly defined purpose. Fisheries must be managed sustainably to enable all New Zealanders to provide for their social, economic and cultural wellbeing.

The Hokianga Accord, the mid north iwi fisheries forum, has been hot on this topic for several years so it was disappointing to learn the Minister of Fisheries recently lost another court case when he tried to improve sustainability by reducing commercial catch limits.

In the Orange Roughy 1 case the High Court ruled in favour of corporate fishers and identified problems with the information being used to make management decisions under section 13 of the 1996 Act.

In response the Ministry of Fisheries arranged an urgent meeting in Wellington where they proposed a change to section 13. Two Accord representatives attended the mid-April meeting and returned with major concerns. Legal advice received since that meeting has heightened the forum’s fears.

An amendment is required to allow the Minister to achieve abundant fisheries and a healthy marine environment while ensuring there is enough fish left in the water for our mokopuna.

The Accord believes the MFish-proposed section 13 amendment is a high-risk option that could have the reverse effects, namely unsustainable fishing and adverse impacts on the environment.

On April 18th the Accord wrote to the Minister, Jim Anderton, requesting an urgent meeting. The Accord offered to work together to achieve an outcome that will give the Fisheries Minister the legislative authority to set conservative catch levels, when required.

The problem

Section 13 outlines how the Minister should set the total allowable catch (TAC) for a stock. The TAC should maintain the stock size at or above the level that produces the maximum sustainable yield. Or the Minister may decide to change a TAC to rebuild or fish a stock down. This requires information on what the current stock size is and what the target stock size is. For most stocks we just do not have this information.

The Court has ruled that the way section 13 is written, if the information is not available then the Minister cannot change a TAC, even though the original TACs were set without their stock size being known.

The solution

An alternative solution is to make a minor change to section 14. This will allow the Minister to manage stocks when information is uncertain and set sustainable catch levels that will best achieve the purpose of the Act.

This would remedy the flaw in the current legislation and, most importantly, empower future Ministers to exercise their discretion.

The Hokianga Accord supports changes that will achieve sustainable use of the fisheries. Leaving more fish in the water will also give us all a better chance to harvest kaimoana and put food on our tables.

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