

Hokianga Accord Update #13

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Fisheries Act Amendment – Frequently Asked Questions

In response to a number of enquiries about the Fisheries Act 1996 Amendment Bill (No.2) featured in Update #12, the Hokianga Accord team have provided a selection of Frequently Asked Questions.

What is the issue?

Section 13 of the Fisheries Act 1996 is the prime sustainability measure used by the Minister of Fisheries to set total catch levels for New Zealand's fish stocks. The Minister and Ministry of Fisheries advise they need to amend section 13 a consequence of a recent High Court decision.

What did the Court rule?

The Court held (in part) that the Minister could not use section 13 to set total catch limits if existing information is inadequate to determine current fish stock levels.

How does section 13 work now?

Section 13 operates well for stocks with full information but is not designed for any others. Less than 4% of the 629 fish stocks in the quota system have sufficient information to enable the Minister to make decisions using section 13. Another method is needed to enable total catch limits to be set when stocks cannot be estimated reliably.

What is the problem with the proposed amendment?

The real concern is the proposed amendment to section 13 will lower the information threshold required to support sustainable fisheries management decisions resulting in less fish in the water.

What effect will the amendment have?

The amendment will legalise what the Court found to be an unlawful practice. It would authorise the Minister to set catch limits as if he was in possession of the most comprehensive and reliable information. The Minister could then justify setting the highest total allowable catch to maximise yield as opposed to managing the fishery to enable people to provide for their wellbeing.

Do New Zealanders know what's going on, and have they had time to have their say?

No on both counts. In particular, non-commercial fishing interests with knowledge and experience in fisheries management have had insufficient time to put forward their solutions for consideration and debate.

Why is there urgency to amend legislation now?

Despite MFish's claim, there is no urgency. Only two stocks require Ministerial approval by October: Orange Roughy and Bluenose. Interim decisions can easily be made for these fisheries to continue the status quo - or deferred until next year, as in the case of kahawai.

Why is the proposed amendment being rushed through Parliament?

As we understand it, MFish and corporate commercial fishing representatives are using the Court's ruling as an opportunity to change the way the fisheries legislation works by a 'quick-fix' that will lower the sustainability threshold and permit aggressive fishing strategies on stocks with poor information.

This hasty and unnecessary process has effectively excluded most New Zealanders from this important sustainability issue and debate.

Will the focus and purpose of the Fisheries Act be affected?

The purpose of the Act is to provide for the utilisation of fisheries by all New Zealanders whilst ensuring sustainability. This means maintaining fisheries to meet future generations' needs, protecting the environment, conserving and developing fisheries to enable all New Zealanders to provide for their social, economic and cultural wellbeing.

The proposed amendment will likely change the focus of fisheries management by concentrating on achieving maximum sustainable yield. The most likely effect is less fish in the water thus reducing the ability of ordinary New Zealanders to catch fish to feed their whanau.

Visit http://option4.co.nz/Fisheries_Mgmt/documents/FAQ_Fisheries_Amendment_Bill_808.pdf.