Submission on proposed amendments to the Fisheries Act

23 MARCH 2025

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Summary

STET Ltd opposes all proposed amendments to the Fisheries Act. The changes prioritise commercial interests over ecosystem health, weaken regulatory oversight, and reduce public accountability. Key concerns include:

- Multi-year catch decisions and management procedures: Reduce scientific scrutiny, ignore environmental variability, and risk locking in unsustainable harvest levels.
- Low-information stock management: Lacks robust ecological data and invites industry bias.
- Rebuild periods: Allow economic factors to delay recovery of depleted stocks.
- Non-extractive values: Are overlooked, including ecological roles and non-commercial cultural practices.
- Voluntary sustainability measures: Are unenforceable and exclude recreational/customary conservation efforts.
- ACE carry forwards and deemed value threshold changes: Undermine sustainability and enable quota banking.
- On-board camera proposals: Removing footage from OIA and weakening camera use reduces transparency and compliance.
- Discard and landing rules: Erode sustainability by enabling increased discards, higher juvenile mortality, and underreporting.

STET urges Fisheries New Zealand to adopt science-led, precautionary, and ecosystem-based management that upholds public interest over industry lobbying.

It's ironic that the cover photo for the *"Proposed amendments to the Fisheries Act: Consultation Document"* was taken by Daniel Poloha in Cape Rodney-Okakari Point Marine Reserve (Goat Island). The image, by Daniel Poloha, shows exactly what Fisheries New Zealand refuses to protect elsewhere: intact ecosystems and significant spawning biomass. Inside this reserve, large tāmure / snapper control kina populations and support healthy reef ecosystems. Research by the University of Auckland found that 10.6% of juvenile snapper found throughout the Hauraki Gulf – up to 55 km away – originated from this single marine reserve. These fish boosted the commercial fishery by $1.49 million per year, with even greater benefits to the recreational fishery.[1]

FNZ continues to ignore the science and economic case for protecting brood stock areas, instead managing the ocean without a safety net.

About STET

STET is a social enterprise that supports restoration and conservation projects in New Zealand. Much of our paid, discounted and volunteer work is focused on improving the health of the Hauraki Gulf. Clients for this work include the Department of Conservation, Auckland Council, the Hauraki Gulf Forum, and many community groups. We worked on the last four State of the Gulf reports.

Shaun Lee is one of the company directors, he is a diver and citizen scientist who works on active and passive restoration initiatives in the Gulf. He is also a trustee of the Mussel Reef Restoration Trust involved in the Revive Our Gulf project.

[1] https://www.sciencedirect.com/science/article/abs/pii/S0308597X21004036?via%3Dihub

Part 1: Proposals to improve responsiveness, efficiency and certainty of decision making.

Multi-year Catch Decisions

Multi-year catch decisions reduce regulatory oversight, advancing the Seafood Industry Forum's interests over sustainable management.

The consultation document states that *"All stocks are regularly monitored by Fisheries New Zealand and are reviewed at a high level each year to identify sustainability issues or utilisation opportunities."* Research shows this is not true and that Fisheries New Zealand (FNZ) is not effectively managing individual fish populations (see Appendix A). Changes proposed by this Bill will not address these unmanaged populations. The number of stocks not currently being assessed shows that there is no undue burden on regulators to review stocks unnecessarily.

Fish populations are facing increasing pressures like warming temperatures, ocean acidification and invasive species. Like many of the unmanaged populations the sensitive high value populations need more attention from FNZ. The best example of this is FNZs failure to sustainably manage the tipa (*Pecten novaezelandiae*) fishery which collapsed in 2022. Here FNZ mismanaged the Hauraki Gulf scallop fishery by allowing habitat-destroying fishing methods, relying on ineffective self-regulation instead of proper surveys, failing to implement spatial protections, and ignoring the precautionary approach.[2] There is hope that tipa

[2] https://blog.shaunlee.co.nz/fnz-tipa-scallop-population-collapse/

populations will recover due to swift action by the Minister in 2022[3]. If a multi-year catch decision had been placed on the stock this may not be the case, and fishers would be guilty of ecocide. It's unknow how long it will take the tipa population to recover and likely that active restoration will have to occur. The International Criminal Court (ICC) is considering ecocide as international crime.[4] The economic benefits of multi-year catch decisions are outweighed by the costs of collapsed fisheries, the cost of restoration and potential prosecutions bought against individual fishers by the ICC.

Management Procedures

Management procedures (also known as harvest control rules) are pre-agreed procedures for how and when catch limits will be adjusted for a particular fish stock. Where management procedures are in place, changes to catch limits would be simpler to make compared to the status quo. They would not need to go through the full sustainability round review process. The introduction of shortcuts will result in similar outcomes to the proposed multi-year catch decisions discussed above.

- Reduced scrutiny makes it easier to increase quotas without considering broader ecosystem impacts. The removal of the full sustainability round review process reduces independent oversight and scientific assessment of quota changes.
- Potential to lock in unsustainable harvest levels if the initial assessment is flawed or if stock conditions change unexpectedly. Management procedures set fixed rules for quota adjustments, which may fail to account for sudden environmental changes or population declines.
- Shifts decision-making power towards the Minister and MPI officials, potentially reducing transparency and increasing industry influence. The approval of management procedures by the Minister, without the requirement for ongoing independent review, centralises power and limits external checks and balances.
- No requirement to apply a precautionary approach when stocks are in decline. The framework does not mandate precautionary reductions when stock health is uncertain, meaning quotas may remain too high even when risks emerge. The process appears designed to facilitate quota increases more easily than reductions.

Fish stocks where we have low information

The proposal allows for catch limits to be set for low-information stocks based on broad Ministerial discretion, rather than robust scientific assessment. This means that decisions on quota settings for poorly studied stocks could be made without sufficient ecological data. It's critical that New Zealand's wildlife is managed using evidence based decision making, not just for our Brand but also our national pride.

- The proposed framework for assessing low-information stocks does not specify the thresholds for determining sustainability risks, leaving room for subjective interpretations. Without clear guidelines, the assessment process could be

[3] https://www.beehive.govt.nz/release/serious-scallop-decline-prompts-emergency-closure-coromandel-fishery

[4] https://theconversation.com/pacific-nations-want-ecocide-to-become-a-crime-heres-why-nz-should-support-the-proposal-238675

inconsistent and susceptible to industry influence.

- Once a management procedure is approved, future adjustments to quotas would not require public consultation. This removes a key safeguard ensuring that quota decisions reflect new scientific data and community concerns.

- The reliance on performance indicators such as fisher-reported data could introduce biases, as industry participants have an interest in keeping quotas high. Without independent stock assessments, self-reported data may be manipulated to justify higher catch limits.

Enabling the Minister to account for social, cultural, and economic factors when deciding on the appropriate rebuild period for a stock.

Through this Bill he Seafood Industry is attempting to control more public resources. The Industry Forum doesn't care about social or cultural factors. There is no clear definition of what "social" or "cultural" factors mean in the context of fisheries management—leaving the door open for industry pressure to delay rebuilding timelines to minimise short-term commercial losses. These changes will allow further mismanagement of fish populations. This is particularly dangerous in this country where only 0.2% of the Marine environment is highly protected[5] (Australia has 20% highly protected from fishing).

No Meaningful Consideration of Non-Extractive Values

The document does not address the importance of non-extractive uses of fisheries, such as:

- The role of fish stocks in healthy ecosystems.
- Cultural or customary practices that do not involve commercial extraction.
- The economic and social benefits of high fish abundance for tourism, recreational fishers, and non-commercial uses.

This omission suggests that "socio-economic" considerations primarily benefit commercial quota holders, while non-commercial stakeholders are given little weight.

Increased Risk of Overfishing Due to Extended Rebuild Periods

The proposal allows the Minister to adjust the "way and rate" of rebuilding based on economic considerations. It argues that setting the fastest possible rebuild timeframe (i.e., stopping fishing) is an unnecessary constraint on use, implying that continued fishing at some level should always be prioritised over a rapid recovery.

This could mean:

- Slower recovery times for depleted stocks.
- Higher risk of stocks remaining in a depleted state for extended periods due to commercial pressure to keep catch limits as high as possible.

Industry has Low Abundance Standards

[5] https://mpatlas.org/

The document claims that the Minister must still meet sustainability obligations under the Fisheries Act, but it does not provide a safeguard ensuring that biological and environmental factors take priority over socio-economic interests.

Fisheries New Zealand has increasingly relied on reference points based on the exploitation rate that produces MSY, rather than estimating stock abundance before fishing began. This is likely to lower MSY across stocks which is the opposite of what the recreational fishing industry[6] and the public want.

This approach favours industry interests by allowing continued fishing at reduced but still profitable levels with no acknowledgement that the population may be significantly impacted and unhealthy. This could cause ecosystem-wide impacts due to predator-prey relationships and ignores habitat degradation caused by overfishing.

In the long run, these policies will harm the industry itself, as this document reflects a short-sighted approach.

Ambiguous Language Gives the Minister Broad Discretion

The proposed amendments state that the Minister shall have regard to biological, environmental, and socio-economic factors. However, the phrase "*shall have regard to*" does not require the Minister to prioritise ecological recovery, meaning economic concerns could outweigh sustainability needs. This creates a **loophole** where commercial fishing interests could justify ongoing depletion of stocks by arguing that immediate reductions would harm industry profitability.

If the government is serious about integrating genuine social and cultural considerations, it should:

- Clearly define non-extractive social and cultural values, including Māori customary practices that do not involve commercial harvest.
- Prioritise ecological recovery by ensuring that sustainability requirements take precedence over industry concerns.
- Mandate shorter rebuild periods for severely depleted stocks to ensure long-term benefits rather than short-term industry gains.

Recognise non regulatory (voluntary) sustainability measures

The proposal allows voluntary measures, such as Annual Catch Entitlement (ACE) shelving and catch spreading, to influence regulatory decisions, but this approach has major flaws.

- **No enforcement** – Industry compliance is voluntary, with no guarantee of sustainability. Fisheries NZ would rely on unreliable self-reported data. E.g. Changes in bycatch reporting from the on-board camera programme show industry disregard for protected species laws.
- **Delays necessary action** – Industry could temporarily reduce catch to avoid stricter regulations, then resume unsustainable practices.
- **Favors industry over ecosystem health** – Prioritises lower administrative costs over science-based catch limits. No independent oversight ensures sustainability.

[6] https://rescuefish.co.nz/

- **Excludes non-commercial fishers** – Only considers commercial voluntary measures, ignoring recreational and customary conservation efforts.

A better option:

Catch limits should be led by regulators, science-based and automatically adjusted when stocks decline. Any voluntary measures should be assessed by third-party scientists, time-limited, and publicly reported.

ACE carry forward arrangements

The proposal suggests increasing the Annual Catch Entitlement (ACE) carry forward limit or allowing case-by-case approvals for larger carry forwards in "exceptional circumstances" such as extreme weather or market shocks.

- **Weakens sustainability safeguards** – Increasing carry forward limits effectively increases catch limits in the following year, which could undermine sustainability controls.
- **Commercial interests override ecosystem concerns** – The proposal focuses on economic hardship for fishers but does not account for ecosystem recovery after extreme events like cyclones.
- **Creates a precedent for quota banking** – If fishers can regularly defer unused quota, it encourages stockpiling, potentially leading to unsustainable spikes in catch in future years.

Any increase in ACE carry forward limits is not supported. Catch adjustments should be based on ecosystem health, not commercial catch convenience.

Carry forward of ACE for rock lobster stocks

No support for this proposal (see above rationale). Rock lobster populations in my area are overfished see submissions.[7, 8]

Increasing the threshold for suspension of fishing permit for non-payment of deemed value

Raising the suspension threshold reduces the deterrent effect, making it easier for fishers to delay payments. Higher thresholds allow fishers to rack up larger unpaid deemed value debts, increasing the risk of quota breaches. The current suspension rate is already low and declining, showing the system is working.

No increase in the suspension threshold is justified. The focus should remain on strict enforcement to prevent overfishing and maintain fisheries integrity.

Note to point 185

The proposal undermines its own credibility by reducing the standards of evidence required to make decisions while claiming to monitor policy effectiveness.

[7] https://blog.shaunlee.co.nz/wp-content/uploads/2024/12/Stet-LTD-submission-on-CRA1.pdf
[8] https://blog.shaunlee.co.nz/wp-content/uploads/2024/12/Stet-LTD-submission-on-CRA2.pdf

Part 2: On-Board Camera Proposals

Camera footage protections for on-board cameras

Retail workers in shops, security staff in malls, bank tellers, baristas in cafés, petrol station attendants, public transport drivers, hospital staff in waiting areas, and receptionists in office buildings all work in public spaces under camera surveillance.

- There are off the shelf tools which automatically blur faces to protect the privacy of individuals.
- Exempting footage from the Official Information Act (OIA) removes public accountability, making it harder to verify industry compliance.
- Concerns about reputational damage do not justify restricting transparency—legal fishing should not require secrecy.
- Existing OIA protections already allow withholding commercially sensitive or personal information, making a full exemption unnecessary.

The scope of on-board cameras

No support the proposal to remove cameras from large vessels (32m+) or tenders and set nets. This would create too much reliance on observers, despite evidence that observer coverage misses illegal dumping and bycatch. Until data confirms the effectiveness of the '3 out of 3' mitigation measures in reducing impacts from large bottom longline vessels on protected species, FNZ should apply a precautionary approach. Similarly with set nets, a full understanding of interactions with protected species is essential if species like the Nationally Vulnerable spotted shag are to be saved from extinction in the Hauraki Gulf Marine Park.

STET understands the issue based on the information provided by FNZ in the discussion document. However, rather than abandoning solutions due to obstacles, FNZ should explore market-driven approaches. With over 60 years of commercial design experience, we've seen how even major challenges can be resolved through a structured design process.

On-Board Camera use in Transit

No information has been provided on what function on-board cameras would provide during transport. Option 2 "*on-board cameras required to record fishing and related activities"* seems sensible.

Part 3: Implementing new rules for commercial fishers that set out when QMS fish must be landed and when they can be returned to sea.

These changes prioritise industry flexibility over sustainability. Instead of making discards easier, FNZ should require better fishing practices that reduce bycatch in the first place. Stronger oversight and verification are needed to prevent underreporting and ensure return exceptions do not increase fish mortality. Retaining minimum size limits for key species is essential to prevent further depletion of stocks like tarakihi and trevally. The proposals:

Weaken Sustainability by Allowing More Discards

- Expanding return exceptions undermines the goal of reducing unwanted catch. Instead of requiring fishers to land and use all catch, the proposal makes discarding easier if cameras or observers are present.

- No clear plan to ensure fish survival – The assumption that returned fish will survive is weak, as many species have high post-capture mortality, especially in trawl, Danish seine, and set net fisheries.

Increase Risk of Underreporting and Misreporting

- Relying on fisher-reported data for discards introduces risks of selective reporting. Fishers have an incentive to misreport what they discard, especially when discards must be balanced with ACE.
- Cameras provide limited verification – While on-board cameras improve transparency, they do not capture all at-sea interactions, such as off-camera sorting or misreporting prior to disposal.

Reduce Industry Accountability

- Removing minimum legal size (MLS) landing requirements for key species like tarakihi and trevally benefits industry but may increase juvenile mortality.
- Simplifying discard reporting could make it harder to track stock health, limiting effective fisheries management.

No support for proposals.

Appendix

Appendix A

Sourced: https://blog.shaunlee.co.nz/the-unmanaged-fisheries-of-the-hauraki-gulf-marine-park/

FEBRUARY 26, 2024 BY SHAUN LEE

The unmanaged fisheries of the Hauraki Gulf Marine Park

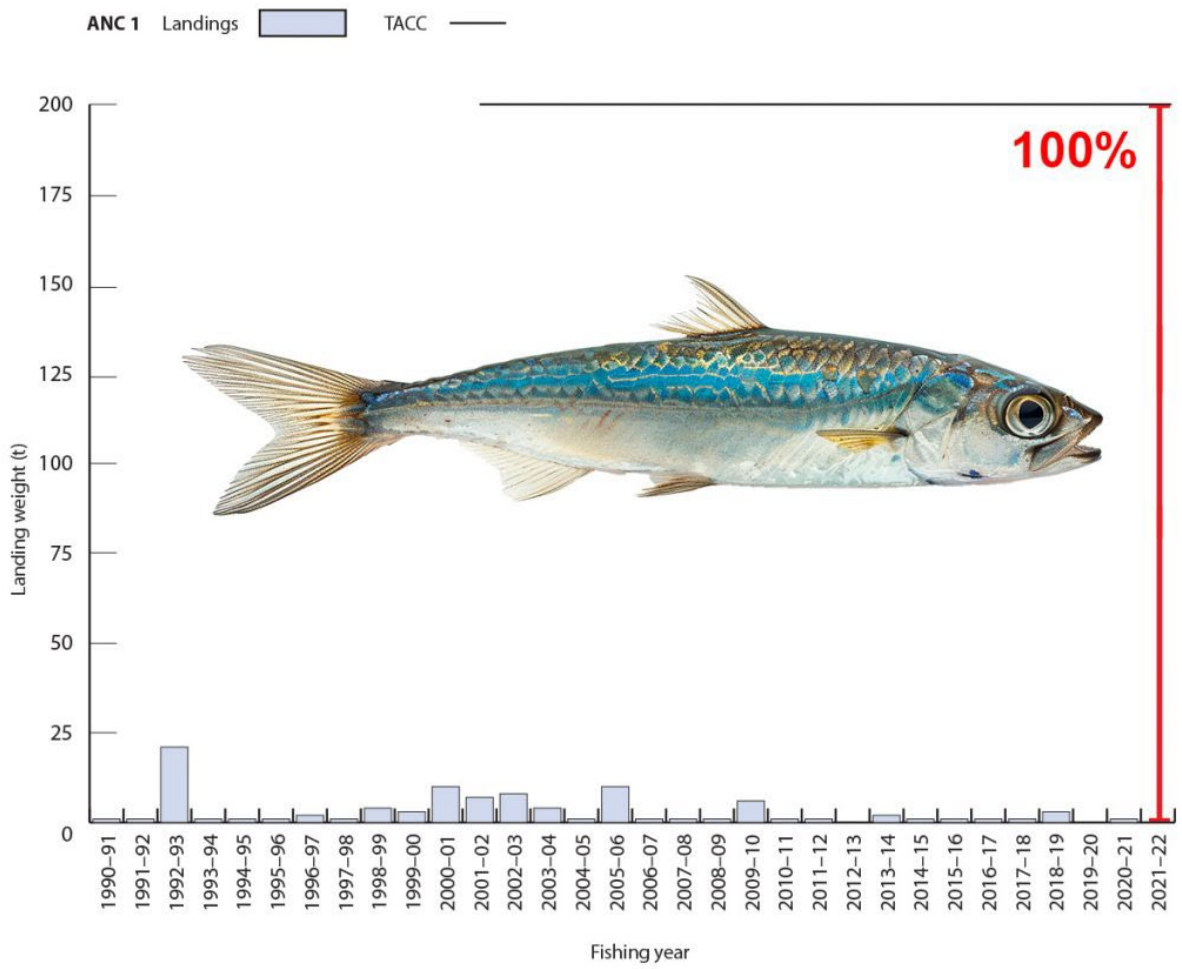
In New Zealand, we have 75 fish populations that are supposed to be managed sustainably. The main way we do this is by setting limits on how many fish can be caught, known as the Total Allowable Catch (TAC). We don't keep regular track of the fish caught by recreational and cultural fishers. The only annual numbers are for commercial fishing, which has a limit called the Total Allowable Commercial Catch (TACC).

What's puzzling is that for many fish populations, the TACC is set way higher than what's actually being caught, and it's been like that for years without any change. To me, this means these fish aren't really being managed at all. Of the 75 in Aotearoa there are 16 fish populations in the Gulf that stand out as 'unmanaged' due to their TACC being significantly higher than the actual catches.

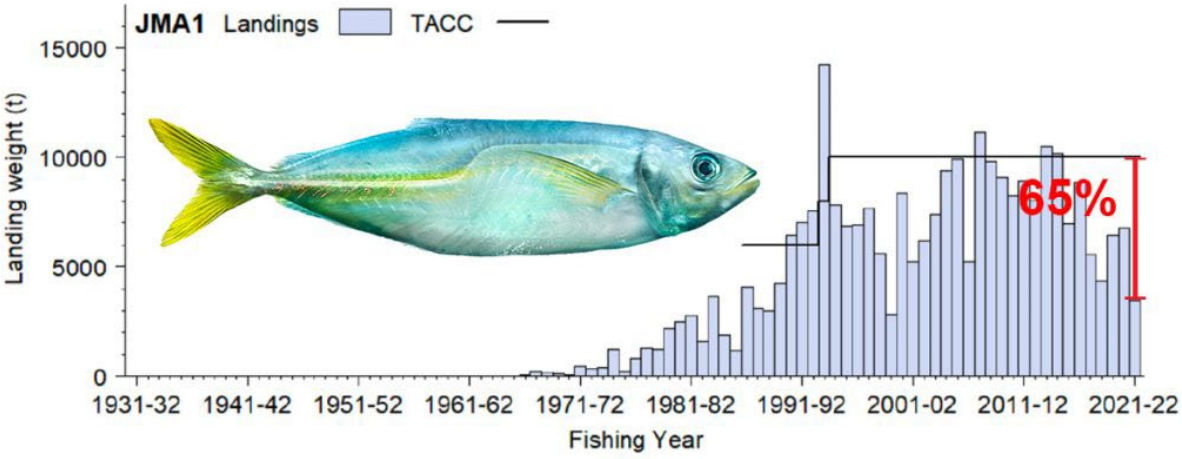
I had high hopes for the new Fisheries Management Plan for the Gulf, thinking it might sort out these unmanaged populations. I tried to get some answers by writing to the minister, and when that didn't work, I filed an Official Information Act request. The reply came from Simon Lawrence at Fisheries New Zealand, but it wasn't what I hoped for. They're only planning to

review four out of the 16 unmanaged populations this year – Flatfish, Rig, Blue cod, and Red cod. That leaves Pipi, Horse mussel, Paddle crab, Anchovy, Sprat, Pilchard, Jack mackerel, Pōrae, Leatherjacket, Trumpeter, Longfin eel and Spiny dogfish unmanaged. Four of these fish are at the bottom of the food web and are critical for the Gulf ecosystem function. Horse mussels are endemic (found only in New Zealand) and aggregations dense enough to be called beds are now extinct in the Gulf, Longfin eel are also endemic and going extinct.

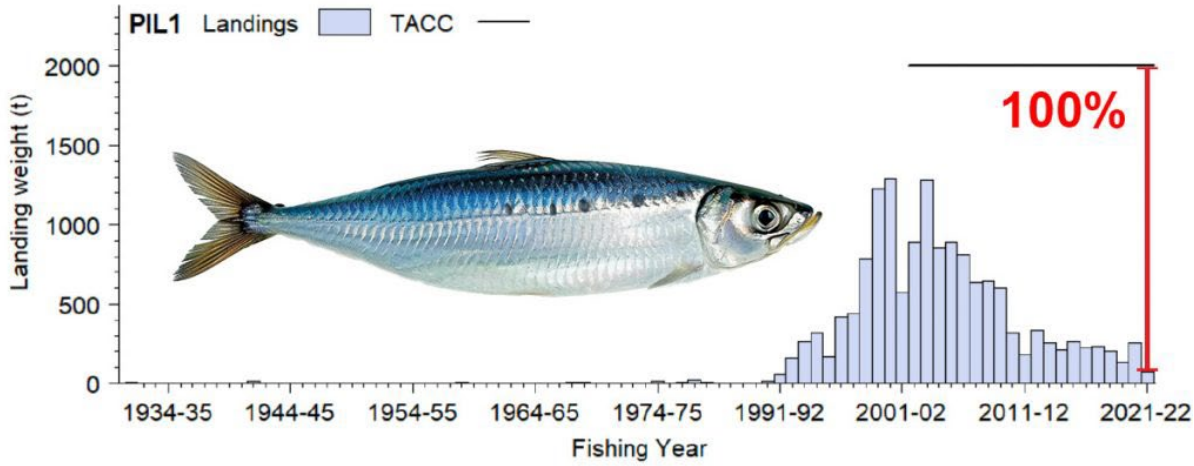
So here we are, with a fisheries plan that talks a big game about moving towards an 'ecosystem-based fisheries management' approach, but we're not even effectively managing individual fish populations.



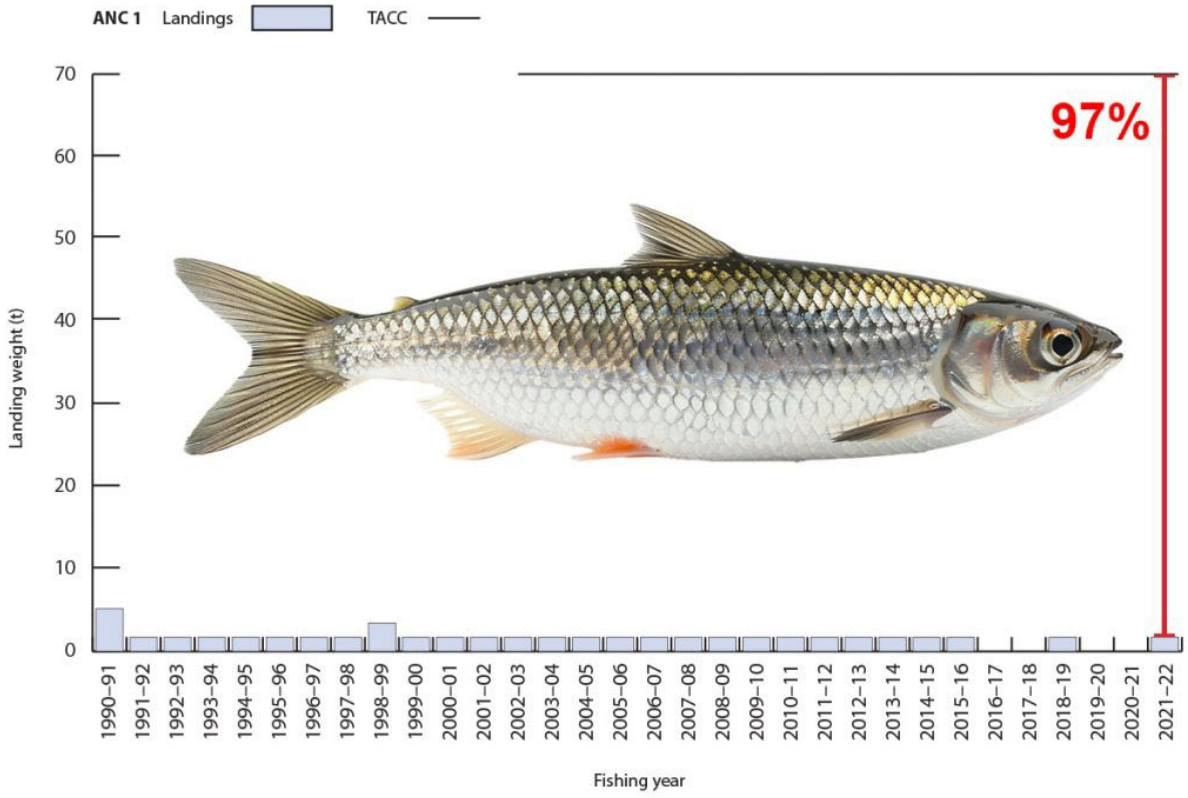
Reported commercial landings and TACC for ANC 1 (Anchovy)



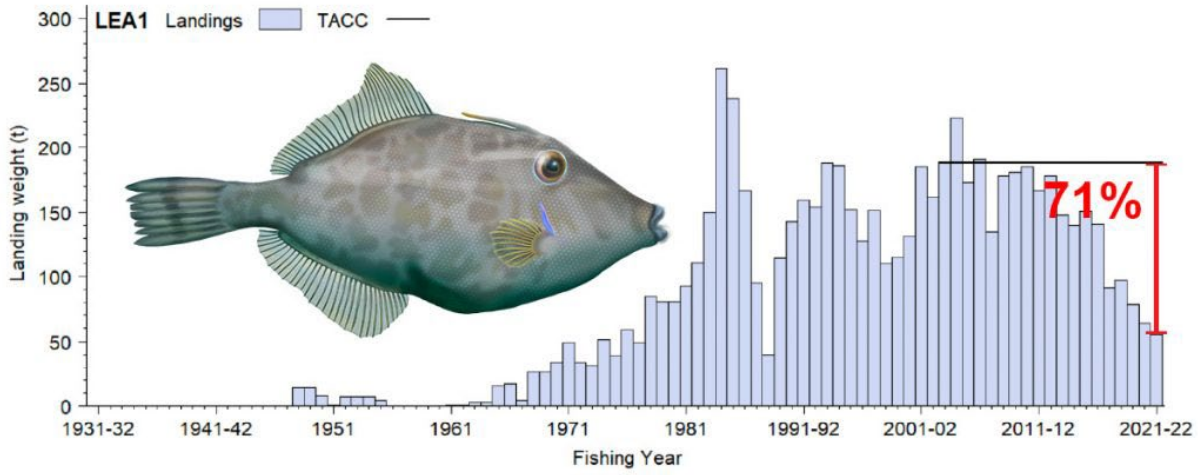
Reported commercial landings and TACC for JMA 1 (Jack Mackerel)



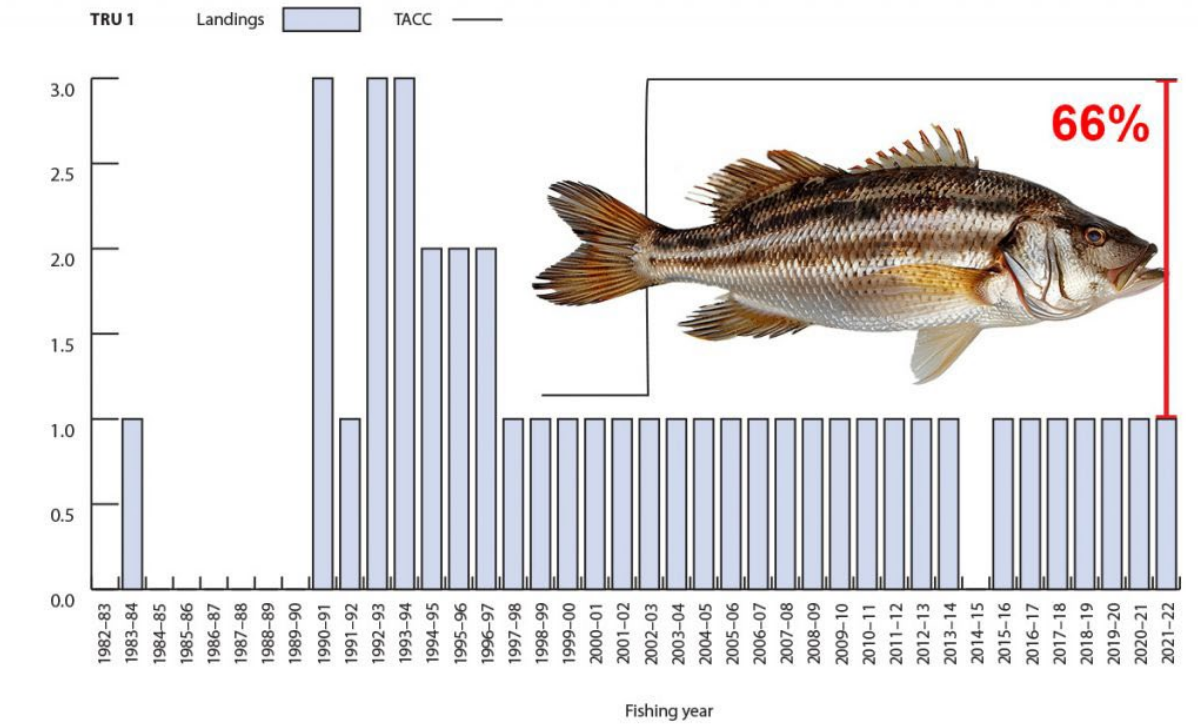
Reported commercial landings and TACC for PIL 1 (Pilchards)



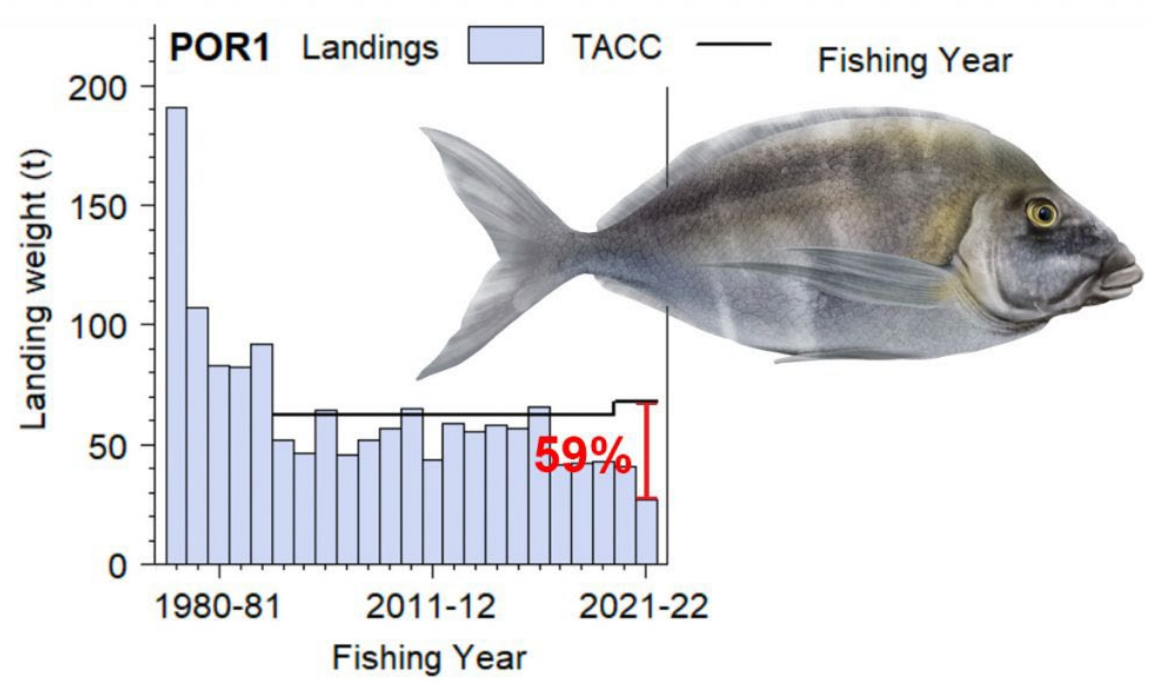
Reported commercial landings and TACC for SPR 1, 2, 8 & 9 (Sprat)



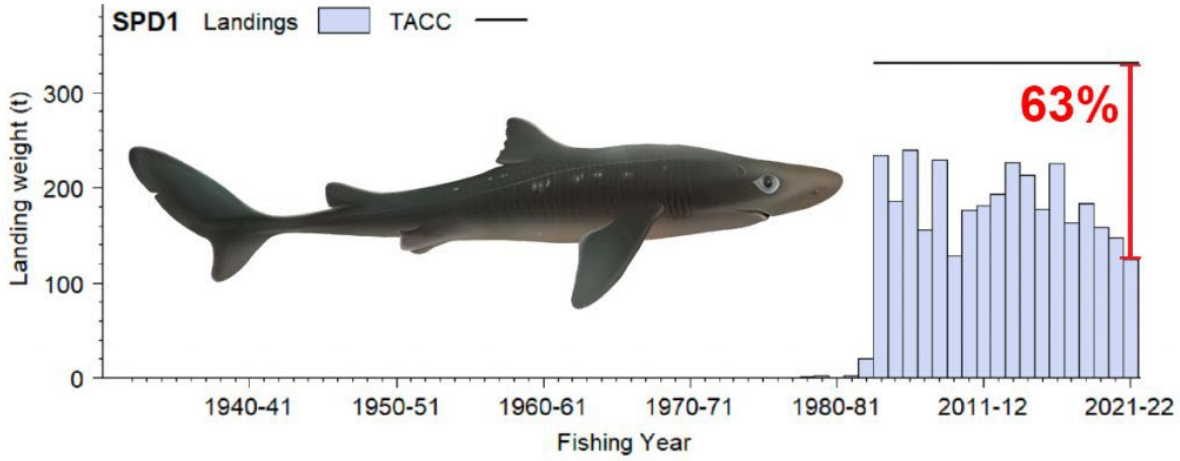
Reported commercial landings and TACC for LEA 1 (Leatherjacket)



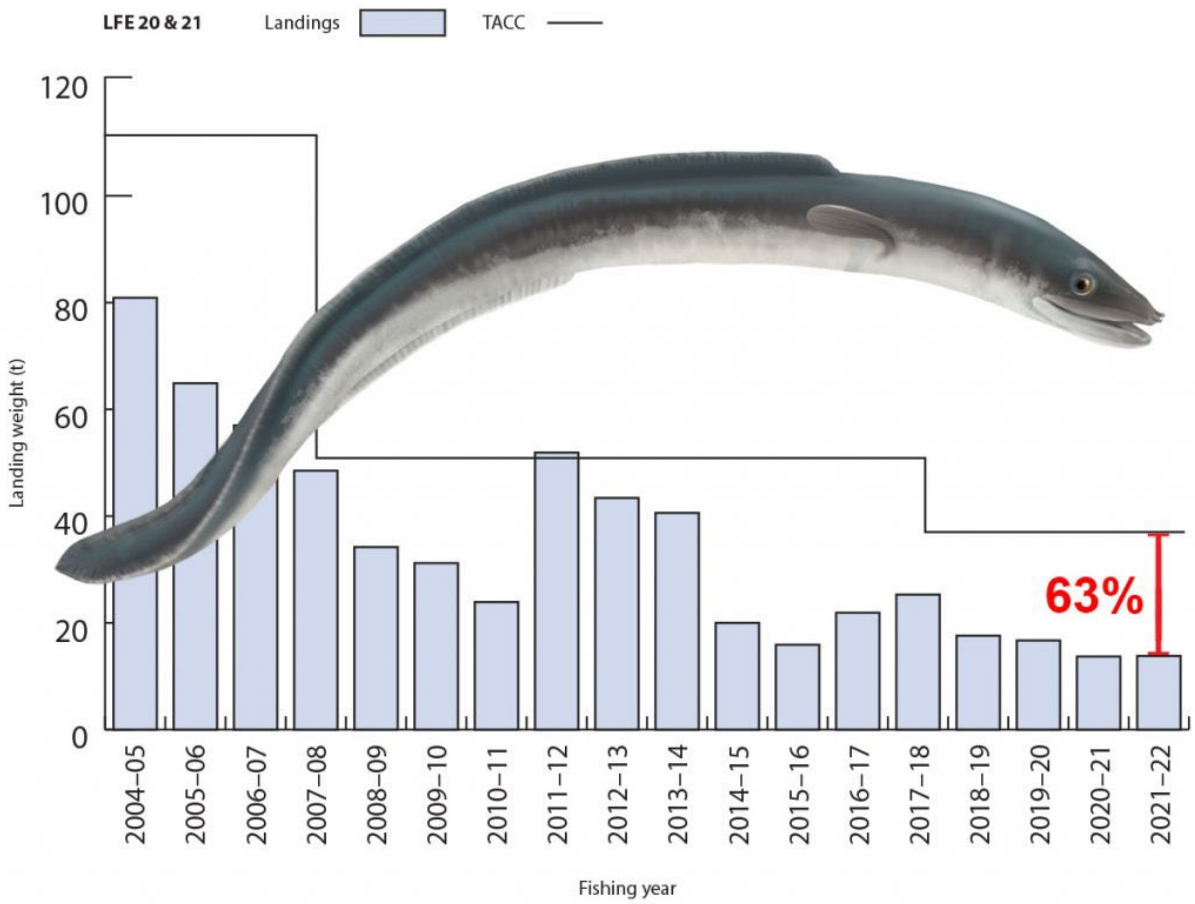
Reported commercial landings and TACC for TRU 1 (Trumpeter)



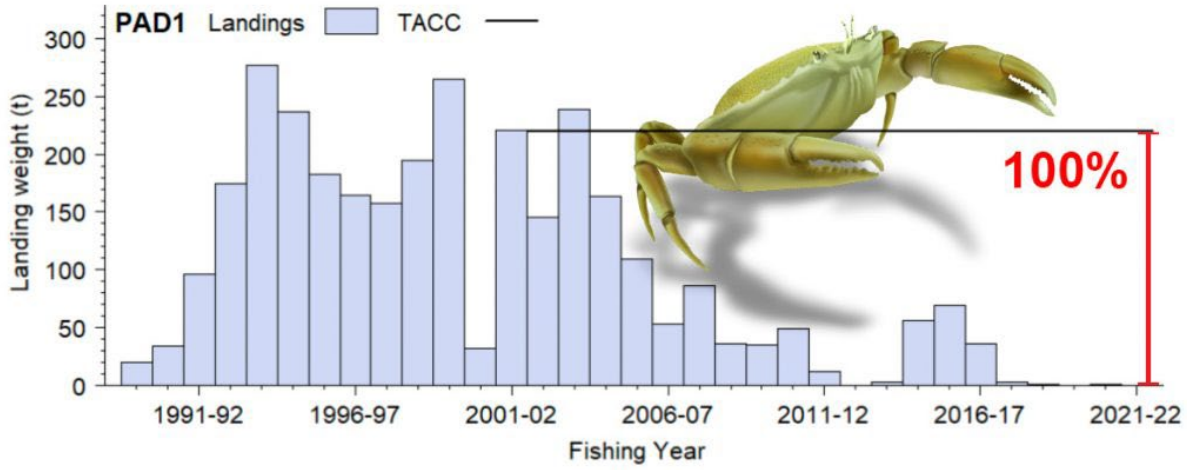
Reported commercial landings and TACC for POR 1 (Auckland East)



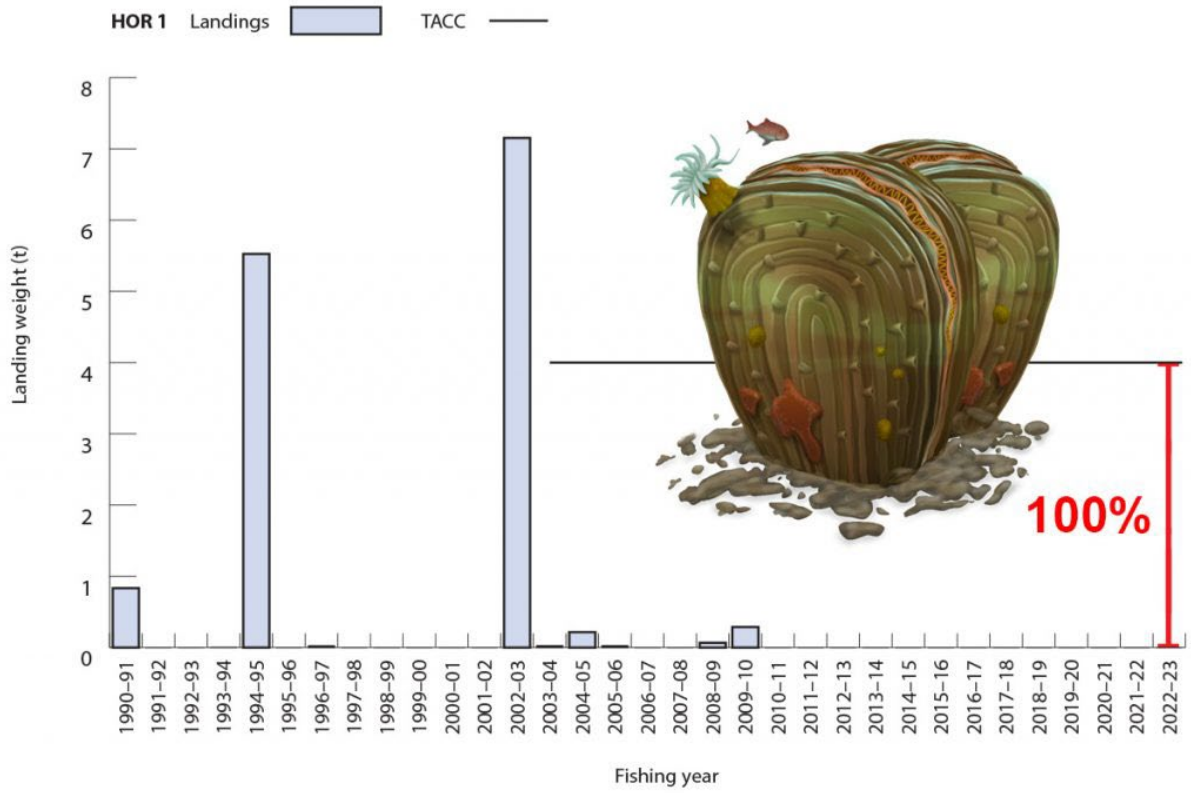
Reported commercial landings and TACC for SPD 1 (Spiny Dogfish)



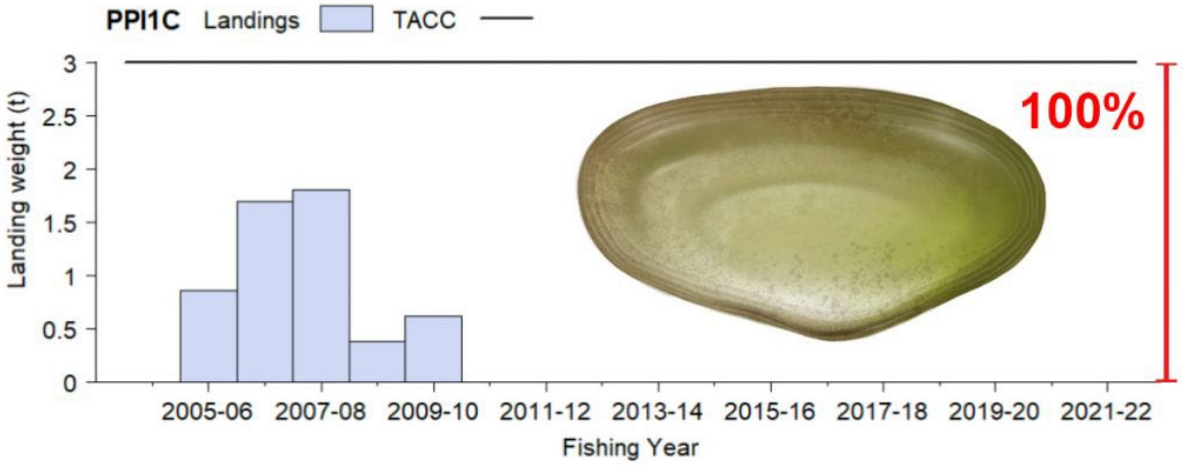
Reported commercial landings and TACC for LFE 20 & 21 (Longfin Eel)



Reported commercial landings and TACCs for PAD 1 (Paddle crab)



Reported commercial landings and TACC for HOR 1 (Horse mussels)



Reported commercial landings and TACC for PPI 1C (Pipi)