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## Submission on the Proposed Kaikoura Marine Strategy by Te Korowai o Te Tai o Marokura

### Introduction

1. The New Zealand Sport Fishing Council (NZSFC) submits on the proposed Kaikoura Marine Strategy by Te Korowai o Te Tai o Marokura.
2. The NZSFC appreciates the opportunity to submit on the proposed Strategy, which was launched on 1 September 2011 with submissions due by 2<sup>nd</sup> December.
3. The New Zealand Sport Fishing Council also appreciates the effort that has gone into developing the proposed Strategy.
4. NZSFC representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from Te Korowai o Te Tai o Marokura and would like to be kept informed of future developments. Our Contact is Roz Nelson, [secretary@nzsportfishing.org.nz](mailto:secretary@nzsportfishing.org.nz).
5. The New Zealand Sport Fishing Council represents over 32,000 affiliated members from 59 clubs spread throughout Aotearoa.
6. NZSFC representatives regularly engage and contribute to science, management and policy development processes on behalf of our members and supporters.
7. As a recognised national body representing recreational fishing interests in Aotearoa the New Zealand Sport Fishing Council make this submission in the interests of achieving "more fish in the water/kia maha atu nga ika ki roto i te wai".

### Executive Summary

8. Despite the obvious need and willingness of local communities, there are few existing institutional structures that would support any regional control over fisheries management in smaller areas within the broader Quota Management Areas, where measures to support abundance levels are applied.
9. The draft Korowai Marine Strategy includes proposals for a whale sanctuary, a taiapure, three mataitai, two marine reserves and lower recreational daily bag limits. These are mainstream outcomes that are anticipated and provided for within existing legislation, therefore the exhaustive alternative proposals offered in the draft Strategy are unnecessary.
10. The suggestion that special legislation may be required to give effect to this Strategy is aspirational and likely to build expectation beyond what is available under the current Quota Management System.

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(Previously New Zealand Big Game Fishing Council Est. 1957)

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11. The process of gifts and gains is flawed due to the contrived nature of both.
12. The detailed reductions in daily bag limits are opposed; there is first a need to establish the purpose and principles of daily bag limits for public fishing. The quantity “enough for a feed” does not define the recreational right or fishing interests.

### **Proposed Korowai Marine Strategy**

13. The Strategy begins with a summary of Te Korowai vision:
  - a. By perpetuating the mauri and wairua of Te Tai o Marokura
  - b. We as Kaitiaki of Tangaroa’s taonga
  - c. Are leading the community
  - d. To achieve a flourishing, rich and healthy environment
  - e. Where opportunities abound
  - f. To sustain the needs of present and future generations.
14. The underlying strategy to achieve the vision is by using a process of gifts and gains. This process requires all parties with an interest in the marine environment to offer gifts in return for some gain. This process was used in the Guardians of Fiordland’s Fisheries initiative in 2003/04.
15. The proposed Korowai Marine Strategy intends to use this gifts and gains process to deliver four outcomes:
  - a. Fishing for abundance
  - b. Protection of treasures
  - c. Sustainability
  - d. Sustaining customary practice.

### **Overall comments**

16. The Te Korowai Strategy is presented in a contextual vacuum. A spatial zone application would benefit from having documents available for the public that specifies:
  - a. A clear problem definition ie. depleted fisheries not providing for people’s wellbeings.
  - b. Management targets for each fish stock
  - c. Existing legislation
  - d. How the legislation and governing bodies will be integrated into Te Korowai Strategy; and
  - e. Possible impacts on communities and fisheries outside the boundaries of the proposed protected or managed areas, and how those will be mitigated.
17. The current context is that New Zealand’s fisheries are managed under the Fisheries Act 1996. This Act contains a very specific sustainability and utilisation purpose, which applies across all of New Zealand’s fisheries.
18. These laws are enacted in a democratic manner, are fully contestable and express democracy as fought-for, sacrificed and passed down to us by earlier generations.
19. As part of the available legislative process within fisheries management, the development of Fisheries Plans has begun. One purpose of Fisheries Plans is to provide for regional preferences and peculiarities within the large Quota Management Areas.

20. All of the objectives of the proposed Te Korowai Strategy are either embodied in the Fisheries Act 1996 or available through the Fisheries Plan process.
21. It is not clear why the proposed Te Korowai Strategy begins by ignoring current fisheries management structures and policies. The only concession to existing management appears to be the gifts and gains process upon which the Strategy is predicated.

## Gifts and Gains

22. The underlying proposal, that interest groups should or could offer gifts as a method of achieving the particular outcomes is fundamentally unsound.
23. The vast majority of the gifts offered in the proposed Te Korowai Strategy are either not the group's to give, or non-existent.
24. A gift must belong to the giver – it must be something tangible held by the giver that when passed as a gift becomes the property of the new owner and no longer belongs to the giver.
25. Offering to not make a future claim for something is not a gift - it is the status quo.
26. Offering to not undertake illegal practice is also not a gift - it is compliance.
27. Particular care must be taken when considering gifts and gains, that each is actually real and not the product of contrived prose delivered to give an impression of substance when none exists.

## Strategy Outcome - Fishing for Abundance

**Objective:** Abundant fish for present and future generations

28. Gifts for abundance.
  - a. Recreational fishers will reduce bag limits.

**Comment.** Debatable gift, if concession is made by locals on behalf of the wider recreational fishing public. Bag limits are reduced to lower total recreational landings, but will result in effort shifting to adjacent areas where bag limits are not changed. The quantity “enough for a feed” does not define the recreational right or fishing interests. There is a need for a wider debate to establish the purpose and principles of daily bag limits for public fishing.
  - b. Fish below maximum sustainable yield (MSY)

**Comment.** Not a gift. It is the Minister's discretion to set stock targets at or above the biomass required to achieve maximum sustainable yield (MSY). The Total Allowable Catch (TAC) is set for most species without MSY knowledge so the role that MSY would have in any Harvest Strategy is problematic. The MFish Harvest Strategy Standard and Operational Guidelines, and Ministerial discretion provide all the tools and guidance necessary for abundance. TACs are not set by gifts – they are set by having stock targets or management proxies.
  - c. Customary fishers gift open access to most areas.

**Comment.** Not a gift. Customary do not hold exclusive access rights to be gifted. The public, including customary interests, currently hold open access rights.
  - d. Environmental interests concede to ongoing fishing in areas of high biodiversity.

**Comment.** Not a gift. Environmentalists hold no power over, or means of controlling, where fishing occurs.

- e. Ministry of Fisheries gifts localised controls.

**Comment.** Not specific. What controls? The Minister of Fisheries must discharge his statutory duties, and if amendments are proposed to devolve some management functions to local boards the institution of the Quota Management System must fundamentally alter. Most likely to be realised through the Fisheries Plan process, and only at the margins.

## 29. Gains of fishing for abundance.

- a. More fish for all.

**Comment.** The Fisheries Act 1996 has provisions for controlling abundance and these rely on Ministerial discretion. Increasing biomass will not simply increase available yield.

- b. Traditional fisheries sustained.

**Comment.** The Fisheries Act 1996 has provisions for controlling abundance and these rely on Ministerial discretion. Mataitai can help to sustain small, important customary fisheries. Dependent on wider fisheries management and environmental factors.

- c. More big fish accessible to recreational fishers.

**Comment.** Possibly. Depending on the chosen stock target and ability to monitor and achieve management target, and associated size limit rules. Dependent on wider fisheries management and environmental factors.

- d. Sustainable commercial fishing.

**Comment.** Possibly. Sustainability will be ensured for everyone as required by section 8 (Purpose) of the Fisheries Act 1996. It is not discretionary or available to one user group or another. Commercial interests cannot gift unsustainable fishing practices and others cannot claim a gain.

- e. Increased opportunity for high-end charter fishing.

**Comment.** Possibly. This would be determined by the ability to market the overall angling experience, rather than some marginal gain in possible catch rates. Speculative at best.

- f. Local control.

**Comment.** False. Some additional influence may be available to local community groups but that won't take the form of control. The local resources are not owned by the locals, and administrative matters must take some form of national conformity through the Fisheries Plan process.

## Summary of Fishing for Abundance

- 30. Abundance is achieved by setting a stock target, agreeing to monitoring mechanisms, and drawing conclusions from the monitoring data that results in timely action. A gift is irrelevant.
- 31. The proposed Strategy speaks to abundance without acknowledging the existing Ministry's Harvest Strategy Standard or the Operating Guidelines. These documents set the baseline (or default) stock targets for most species, and serve as the starting point for any refinement or regional departure. Abundance, the Harvest Strategy Standard and the Operational Guidelines are inseparable.

32. People cannot give what is not theirs. It is clear that the predilection for using a gifts and gains process has created the need for a long list of available gifts. It is also clear that most of the gifts used to create abundance are imaginary or poorly defined. Only the recreational 'gift' appears tangible.
33. Strips the value from the document as a whole by setting a fictional baseline for people to respond to. Submitters are unlikely to know just how imaginary the gifts and gains actually are, and will take them at face value.
34. There are no principles offered to underpin any of the proposals or changes. Warm and resonant prose is insufficient when the public's (and others) rights and future role in local fisheries are considered.
35. The balance of the proposed Korowai Marine Strategy suffers similar shortcomings. Reliance on using a contrived gifts and gains process complicates and undermines the overall worth of the project in respect of community values.
36. There is a clear need to include community values and aspirations in the institutions used to manage fisheries. These opportunities however must come from amending existing institutional arrangements, not from pushing these to one side and beginning with a fresh sheet of paper.

### **Strategy Outcome - Protecting our Treasures**

**Objective:** That future generations can continue to experience the wonders that we have today.

37. While the preservation of the Kaikoura Canyon and creating a marine mammal sanctuary are worthy objectives on their own, categorising them as tools to deliver on the promise to future generations that they will inherit today's "wonders" is problematic.
38. All parts of oceans are connected and profound local influence can arise from effects originating in distant parts of the ocean.
39. The use of emotive terms like "wonders" strips the objective of any precise meaning.

### **Strategy Outcome - Living Sustainably**

**Objective:** Integrated land and water planning and with management processes under local control

40. A worthy objective that applies to all areas of New Zealand.
41. Partly available through local government institutions, but in the end the ability to pass laws and control resources remains the prerogative of central government.
42. The gifts requested are simply not available to local bodies to devolve – these powers reside firmly in Wellington and are subject to very prescriptive legislation.
43. Any local agreements with councils and others vested with power through the Resource Management Act is about all that can realistically be achieved. With respect to fisheries, these powers are minimal.
44. The process of gifts and gains, which for this outcome is completely contrived, is again irrelevant.

## Strategy Outcome - Sustaining Customary Practice

**Objective:** Ngati Kuri is recognised as tangata whenua, and management provides for the traditional management practices and uses of the coast that sustain them as people.

45. The success in achieving this objective relies on the establishment of three Mataitai reserves and one Taiapure area. This is the very purpose these legal provisions are designed to achieve and it is encouraging to see them being proposed.
46. There is no need for any supplementary process to rationalise these proposals, and they are weakened, particularly by trying to tie them to some notion of gifts and gains, which again read as if they are contrived for the occasion.
47. The proposals for these special areas need to be considered on their merits, and the degree to which they will achieve the legislative purpose they are designed for.

## Concluding comments

48. The fisheries Minister is legally obliged and ultimately responsible for setting management targets and providing abundant fisheries to enable people to provide for their social, economic and cultural well-being.
49. The evolving Fisheries Plan process is designed to implement objectives-based fisheries management and set new stock targets using the Harvest Strategy Standard.
50. The inclusion of community values and aspirations ought to form a major part in setting objective for inshore fisheries through Fisheries Plans.
51. The community seeking to impose their views ought to engage and mould the Fisheries Plan process to deliver the outcomes they seek.
52. If the Fisheries Plan proves to be unresponsive to the local community's views then the challenge is to reform the Fisheries Plan process so regional objectives can be set.
53. Isolated strategies utilising a gifts and gains process are most likely to simply build community expectation beyond anything that is institutionally possible to deliver, leading to widespread dissatisfaction.
54. Taking more time to consider the broader aspects of the legislative framework will enable more input from the local and regional community who value the Kaikoura coastline and all it offers. A well-considered outcome is likely to provide the long term solutions being sought by Te Korowai o Te Tai o Marokura.